



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 25]

नई दिल्ली, शनिवार, जून 20, 1987/ज्येष्ठ 30, 1909

No. 25]

NEW DELHI, SATURDAY, JUNE 20, 1987/JYAISTHA 30, 1909

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as
a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence)

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 18 मार्च, 1987

आयकर

का.आ. 1514.—आयकर अधिनियम, 1961 (1961 का 43)
की धारा 10 की उपधारा (25-ग) के खण्ड (V) द्वारा प्रदत्त शक्तियों
का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ
“श्री लक्ष्मीनरसिम्हास्वामी टेम्पल पलायसिवारम” को कर-निर्धारण वर्ष
1986-87 और 1987-88 के लिए अधिसूचित करती है।

[सं. 7184 (फा.सं. 197/102/86-आ.क नि -1)]

दलीप सिंह, विशेष कार्य अधिकारी

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 18th March, 1987

(INCOME-TAX)

S.O. 1514.—In exercise of the powers conferred by clause
(v) of sub-section (23C) of Section 10 of the Income-tax
Act, 1961 (43 of 1961), the Central Government hereby noti-
fies “Shri Lakshminarasimhaswamy Temple, Palayaseevaram”

for the purpose of the said clause for the assessment years
1986-87 and 1987-88.

[No. 7184 (F. No. 197/102/86-ITA1)]

DALIP SINGH, Officer on Spl. Duty

नई दिल्ली, 6 अप्रैल, 1987

(आयकर)

का.आ. 1515.—आयकर अधिनियम 1961 (1961 का 43)
की धारा 10 की उपधारा (23-ग) के खण्ड (V) द्वारा प्रदत्त शक्तियों
का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ
“श्री चित्रपुरमठ कर्नाटक” को कर निर्धारण वर्ष 1986-87 तथा
1987-88 के लिए अधिसूचित करती है।

[सं. 7225 (फा.सं. 197/145/85-आ.क नि -1)]

New Delhi, the 6th April, 1987

(INCOME-TAX)

S.O. 1515.—In exercise of the powers conferred by clause
(v) of sub-section (23C) of Section 10 of the Income-tax
Act, 1961 (43 of 1961), the Central Government hereby noti-
fies “Shri Chitrapur Math, Karnataka” for the purpose of the
said clause for the assessment years 1986-87 and 1987-88.

[No. 7225 (F. No. 197/145/85-ITA1)]

(धायकर)

New Delhi, the 4th June, 1987

ORDER

STAMPS

का. प्रा. 1516.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ "श्रीमान माधवा सिद्धान्तोन्नहिनी सभा" की कर निर्धारण वर्ष 1986-87 और 1987-88 के लिए अधिसूचित करती है।

[सं. 7227 (का. सं. 197/16/86-आ. क. नि.-1)]

(INCOME-TAX)

S.O. 1516.—In exercise of the Powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sriman Madhwa Siddhantonnahini Sabha" for the purpose of the said clause for the assessment years 1986-87 and 1987-88.

[No. 7227 (F. No. 197/16/86-ITA1)]

(धायकर)

का. प्रा. 1517.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ "श्री सच्चिदा माताजी ट्रस्ट ओशियन (राजस्थान)" की कर निर्धारण वर्ष 1985-86 से 1987-88 तक के लिए अधिसूचित करती है।

[सं. 7226 (का. सं. 197/98/85-आ. क. नि.-1)]

रोशन साहय, अवर सचिव

(INCOME-TAX)

S.O. 1517.—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Shri Sachaiya Mataji Trust, Osian (Rajasthan)" for the purpose of the said clause for the assessment years 1985-86 to 1987-88.

[No. 7226 (F. No. 197/98/85-ITA1)]

ROSHAN SAHAY, Under Secy.

नई दिल्ली, 4 जून, 1987

घादेश

स्टाम्प

का. प्रा. 1518.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त शूलक को माफ करती है जो नेशनल थर्मल पावर कॉर्पोरेशन लिमि. नई दिल्ली द्वारा केवल चार सौ तीस करोड़ रुपए के मूल्य के, 7 वर्ष के बाय बिमोध्य 14 प्रतिशत भारक्षित बंधपत्र, जिसका क्रमांक बी.-0000001 से बी-2824566 तक है और 10 वर्ष बाद बिमोध्य 10 प्रतिशत भारक्षित बंधपत्र, जिसका क्रमांक बी-4000001 से बी-5475127 (दूसरी श्रृंखला) वचनपत्रों के स्वरूप में जारी किए जाने वाले बंध-पत्रों पर उक्त अधिनियम के अन्तर्गत प्रभावी है।

[संख्या 26/87-स्टाम्प-का. सं. 33/14/87-वि. क.]

बी. आर. मेहमी, अवर सचिव

S.O. 1518.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of Promissory notes—14 per cent Secured Bond redeemable after 7 years bearing Serial Nos. B-0000001 to B-2824566 and 10 per cent Secured Bond redeemable after 10 years bearing Serial Nos. B-4000001 to B-5475127 (IInd Series) of the value of rupees four hundred and thirty crores only to be issued by National Thermal Power Corporation Limited, New Delhi are chargeable under the said Act.

[No. 26/87-Stamp-F. No. 33/14/87 ST]

B. R. MEHMI, Under Secy.

समाहृतलिय केन्द्रीय उत्पाद शुल्क, नागपुर

अधिसूचना सं. 5/87

नागपुर, 3 जून, 1987

का. प्रा. 1519.—श्री सी. ए. आकरे, अधीक्षक, केन्द्रीय उत्पाद शुल्क, समूह "ब" समाहृतलिय, नागपुर निवर्तन की आयु प्राप्त करने पर दिनांक 30-4-87 को अपराह्न में शासकीय सेवा से निवृत्त हुए।

[पं. सं. 11(3) 5/87स्था-1/47642]

'आर. के. आदिम, उप समाहर्ता (का. एवं स्था.)

CENTRAL EXCISE COLLECTORATE P.B. NO. 81.
NAGPUR

NOTIFICATION NO. 5/87

Nagpur, the 3rd June, 1987

S.O. 1519.—Shri C. A. Akre, Superintendent Central Excise Group 'B' of Nagpur Collectorate having attained the age of Superannuation retired from Government Service on 30-4-1987 in the afternoon.

[C. No. II(3)5/87/Et.I/47642]

R. K. AUDIM, Dy. Collector (P&F)

उद्योग मंत्रालय

(औद्योगिक विकास विभाग)

नई दिल्ली, 11 जून, 1987

घादेश

का. प्रा. 1520.—केन्द्रीय सरकार विकास परिषद (प्रक्रिया) नियम, 1952 के नियम-2, नियम 4 और नियम 5 के साथ पठित उद्योग (विकास और विनियम) अधिनियम, 1951 (1951 का 65) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के उद्योग मंत्रालय (औद्योगिक विकास विभाग) के समय-समय पर संशोधित घादेश सं. का. प्रा. 807 (घ), तारीख 27 अक्टूबर, 1984 के अधीन नियुक्त किए गए सदस्यों के जिनकी पदावधि समाप्त हो गई है, के स्थान पर निम्नलिखित व्यक्तियों को तात्कालिक प्रभाव से दो वर्ष की अवधि के लिए कागज, लुगदी के उत्पादन के विनिर्माण में लगे हुए अनुसूचित उद्योगों और संबद्ध उद्योगों की विकास परिषद के सदस्य नियुक्त करती है:—

कागज, लुगदी तथा सम्बद्ध उद्योगों की विकास परिषद

क्र.सं.	नाम	प्रतिनिधित्व
1	2	3
1.	श्री हरि शंकर सिंघानिया, अध्यक्ष स्टार्चिडक्ट्स लि.	अध्यक्ष
2.	डा. एम. के. रैना, उपाध्यक्ष, बलारपुर इण्डस्ट्रीज	सदस्य
3.	अध्यक्ष, इन्डियन पेपर मिल्स एसोसिएशन	सदस्य

1	2	3
4.	अध्यक्ष, इन्डियन पेपर मेकर्स एसोसिएशन	सदस्य
5.	अध्यक्ष, आल इन्डिया स्मॉल पेपर मिल्स एसोसिएशन	सदस्य
6.	अध्यक्ष, इन्डियन पल्प एण्ड पेपर टेक्निकल एसोसिएशन	सदस्य
7.	अध्यक्ष, इन्डियन पेपर मशीनरी मैनुफैक्चरर्स एसोसिएशन	सदस्य
8.	निदेशक, सेंट्रल पल्प एण्ड पेपर रिसर्च इन्स्टीट्यूट	सदस्य
9.	जैव-प्रौद्योगिकी विभाग का प्रतिनिधि	सदस्य
10.	आल इन्डिया फेडरेशन ऑफ मास्टर प्रिंटर्स का प्रतिनिधि	सदस्य
11.	वन और वन्य जीव विभाग का प्रतिनिधि	सदस्य
12.	संयुक्त सचिव, कागज उद्योग का भार साधक, औद्योगिक विकास विभाग	सदस्य
13.	डा. बी. एन. बिहानी, अध्यक्ष, सह-प्रबन्ध निदेशक, नेशनल न्यूजप्रिंट एण्ड पेपर मिल्स	सदस्य
14.	डा. ए. पंडा, निदेशक (तकनीकी), हिन्दुस्तान पेपर कार्पोरेशन	सदस्य
15.	श्री ए. एन. राव, औद्योगिक सलाहकार (कागज), तकनीकी विकास महाविद्यालय	सदस्य
16.	श्री के. एल. चुग, प्रबन्ध निदेशक, भद्राचलम पेपर बोर्ड	सदस्य
17.	श्री टी. जी. वसन्त गुप्त, रायलसीमा पेपर मिल्स	सदस्य
18.	श्री रोहित पटेल, रोहित पेपर मिल्स	सदस्य
19.	श्री के. एस. भार. मूर्ति, प्रबन्ध निदेशक, श्री रघु पेपर एण्ड पल्प सलाहकार	सदस्य
20.	श्री एस. विश्वनाथन, अध्यक्ष, शेधसायी पेपर मिल्स	सदस्य
21.	श्री सी. सी. राव, कोस्टल पेपर मिल्स	सदस्य
22.	श्री अशोक कुमार गोयल, प्रबन्ध निदेशक, मू. पी. स्ट्रा एंड एग्रो प्रोडक्ट्स	सदस्य
23.	श्री के. एल. राजगडिया, राजेन्द्र पेपर मिल्स	सदस्य
24.	श्री ए. सी. गुप्ता, एलारा पेपर मिल्स	सदस्य
25.	अध्यक्ष, कोरगेटेड बॉक्स मैनुफैक्चरर्स एसोसिएशन	सदस्य

श्री ए. एन. राव, औद्योगिक सलाहकार (कागज) तकनीकी विकास महाविद्यालय, उक्त विकास परिषद के सचिव के रूप में कार्य करेंगे।

[सं. 3(84)/86-पेपर]

एस. के. लाल, संयुक्त सचिव

MINISTRY OF INDUSTRY
(Department of Industrial Development)
New Delhi, the 11th June, 1987

ORDER

S.O. 1520.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with rules 2, 4 and 5 of the Development Councils (Procedural) Rules, 1952 the Central Government hereby appoints, for a period of two years, with immediate effect, the following persons to be members of the Development Council for the Scheduled Industries engaged in the manufacture of production of Paper, Pulp and Allied Industries, in place of members appointed under the Order of the Government of India in the Ministry of Industry (Department of Industrial Development) No. S.O. 807(E), dated the 27th October, 1984 as amended from time to time, whose tenure of office has expired :—

DEVELOPMENT COUNCIL FOR PAPER PULP AND ALLIED INDUSTRIES

S.No.	Name	Represent
1.	Shri Hari Shankar Singhania, President Straw Products Limited.	Chairman
2.	Dr. M.K. Raina, Vice President Ballarpur Industries.	Member
3.	President, Indian Paper Mills Association.	Member
4.	President, Indian Paper Makers Association	Member
5.	President, All India Small Paper Mills Association.	Member
6.	President, Indian Pulp and Paper Technical Association.	Member
7.	Chairman, Indian Paper Machinery Manufacturers Association.	Member
8.	Director, Central Pulp and Paper Research Institute.	Member
9.	Representative of Department of Bio-Technology.	Member
10.	Representative of All India Federation of Master Printers.	Member
11.	Representative of Department of Forests & Wildlife.	Member
12.	Joint Secretary, In charge of Paper Industry, Department of Industrial Development.	Member
13.	Dr. B.L. Bihani, Chairman-cum-Managing Director, National Newsprint and Paper Mills.	Member
14.	Dr. A. Panda, Director (Technical), Hindustan Paper Corporation.	Member
15.	Shri A.N. Rao, Industrial Adviser, (Paper), Directorate-General of Technical Development.	Member
16.	Shri K.L. Chug, Managing Director, Bhadrachalam Paper Board.	Member
17.	Shri T.G. Vasanta Gupta, Rayalaseema Paper Mills.	Member
18.	Shri Rohit Patel, Rohit Paper Mills.	Member
19.	Shri K.S.R. Murthi, Managing Director, Sri Ragu Paper & Pulp Consultants.	Member
20.	Shri S. Viswanathan, Chairman, Seshasayee Paper Mills.	Member
21.	Shri C.V. Rao, Coastal Paper Mills.	Member
22.	Shri Ashok Kumar Goel, Managing Director, U.P. Starw and Agro Products.	Member
23.	Shri K.L. Rajgariah, Rajendra Paper Mills.	Member
24.	Shri. A.C. Gupta, Ellora Paper Mills.	Member
25.	President, Corrugated Box Manufacturers Association.	Member

Shri A.N. Rao, Industrial Adviser (Paper), Directorate-General of Technical Development will function as the Secretary of the said Development Council.

[No. 3(84)/86-Paper]

S.K. LALL, Jt. Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 8 जून, 1987

का.आ.सं. 1521.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का.आ.सं. 126(ई) तारीख 27-2-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों का बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 को उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करते के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः, उक्त अधिनियम की धारा 6 उपधारा (1) द्वारा प्रबल शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उन धारा की उपधारा (4) द्वारा प्रबल शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय गैस अथोरिटी ऑफ इंडिया लि. वर्पण प्रिविडेंस, आर. सी. बत रोड, बड़ोदर सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख की निहित होगी।

अनुसूची

बड़ोदिया से आई सी पी एस पाइप लाइन

राज्य—गुजरात जिला—बड़ोदा तालुका—बड़ोदा

गांव	सर्वे नम्बर	हेक्टेयर	आर	सेंटीयर
हरणी	757/1	0	24	48
	35			
	757/1	0	23	40
	31			
	757/1	0	14	40
	30			
	757/1	0	30	24
	25			
	757/1	0	39	60
	21			
	757/1	0	13	32
	18			
	757/1	0	32	04
	17			

757/1 0 33 84

12

757/1 0 94 40

[सं. O-14016/568/87-86 जी पी]

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 8th June, 1987

S.O. 1521.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 126(E) dated 27-2-87 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. cum-brances.

SCHEDULE

Pipeline from Waghodia to IPCL

State : Gujarat District : Baroda Taluka : Baroda

Village	Survey No.	Area		
		Hect.	Arc	Cent.
Harani	757/1	0	24	48
	35			
	757/1	0	23	40
	31			
	757/1	0	14	40
	30			
	757/1	0	30	24
	25			
	757/1	0	39	60
	21			
	757/1	0	13	32
	18			
	757/1	0	32	04
	17			

1	2	3	4	5	1	2	3	4	5
	757/1	0	32	04		638	0	12	24
	17					448	0	01	44
	757/1	0	33	84		646 ए और बी	0	15	12
	12					652	0	12	08
	757/1	0	94	40		651	0	03	88
						659	0	02	16
						660	0	11	16
						661	0	07	56
						664	0	05	04
						663	0	12	24
						रोड	0	04	32
						636	0	20	88
						रोड	0	05	04
						628	0	05	04
						629	0	17	28
						541	0	01	60
						540	0	16	92
						539	0	10	80
						कार्ट ट्रैक	0	04	32
						538	0	14	40
						532	0	03	60
						537	0	05	76
						533	0	07	92
						530 ए और बी	0	21	60
						528	0	00	72
						527	0	00	32
						कार्ट ट्रैक	0	07	92
						399	0	16	56
						400	0	05	40
						401	0	05	12
						407	0	25	20
						390	0	09	36
						388	0	14	40
						383	0	05	40
						384	0	15	12
						385	0	14	40
						379	0	07	92
						378	0	00	32
						380	0	09	36
						रेलवे	0	13	68
						262	0	00	32
						261	0	07	20
						245	0	06	84
						260	0	09	00
						244	0	11	52
						243	0	11	16

[No. O-14016/568/87-86GP]

का.आ.सं. 1522.—यत्. पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का.आ.सं. 143(ई) तारीख 27-2-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यत्: सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यत्: केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अथ, यत्: उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय गैस अथोरिटी ऑफ इंडिया लि. वर्ग विन्डिंग, आर.सी. दन रोड, बघोदरा सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

बड़ोदिया से आई पी सी एल पाइप लाइन

राज्य—गुजरात	जिला—बड़ोदरा	तालुका—बड़ोदरा	गांव	ब्लॉक नं.	हेक्टेयर	आर	सेंटीयर
			हुमाड	884	0	12	24
				889	0	18	00
				886	0	02	04
				887	0	09	36
				कार्ट ट्रैक	0	01	44
				946	0	30	24
				965 ए और बी	0	18	72
				964	0	02	88
				960 ए और बी	0	26	64
				976	0	00	32
				978 ए	0	07	92
				977	0	19	44
				कार्ट ट्रैक	0	01	44
				817	0	20	16
				कार्ट ट्रैक	0	03	60

[सं. O—14016/567/87-86 जी पी]

S.O. 1522.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 143(E) dated 27-2-87 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. cum-brances.

SCHEDULE

Pipeline from Waghodia to IPCL

State: Gujarat District: Vadodara Taluka:Vadodara

Village	Block No.	Hect.	Are	Cent
1	2	3	4	5
Dumad	884	0	12	24
	889	0	18	00
	886	0	02	04
	887	0	09	36
	Cart Track	0	01	44
	946	0	30	24
	965A&B	0	18	72
	964	0	02	88
	960A&B	0	26	64
	976	0	00	32
	978A	0	07	92
	977	0	19	44
	Cart Track	0	01	44
	817	0	20	16
	Cart Track	0	03	60
	638	0	12	24
	448	0	01	44
	646 A&B	0	15	12
	652	0	12	08
	651	0	03	88
	659	0	02	16
	660	0	11	16
	661	0	07	56
	664	0	05	04
	663	0	12	24
	Road	0	04	32
	636	0	20	88
	Road	0	05	04
	628	0	05	04
	629	0	17	28
	541	0	01	60
	540	0	16	92
	539	0	10	80
	Cart Track	0	04	32
	538	0	14	40
	532	0	03	60
	537	0	05	76
	533	0	07	92

1	2	3	4	5
	530 A&B	0	21	60
	528	0	00	72
	527	0	00	32
	Cart Track	0	07	92
	399	0	16	56
	400	0	05	40
	401	0	05	12
	407	0	25	20
	390	0	09	36
	388	0	14	40
	383	0	05	40
	384	0	15	12
	385	0	14	40
	379	0	07	92
	378	0	00	32
	380	0	09	36
	Railway	0	13	68
	262	0	00	32
	261	0	07	20
	245	0	06	84
	260	0	09	00
	244	0	11	52
	243	0	11	16

[No. O-14016/567/87-86-GP]

का.भा. 1523.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का.भा.नं. 139(ई) तारीख 27-2-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों की बिछाने के लिए अर्जित करने का अग्रता प्रांशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार का रिपोर्ट दे दी है।

और प्रागे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिरवय किया है।

अब, अतः उक्त अधिनियम की धारा 6 उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और प्रागे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय गैस अथवा रिट्रो ऑफ इंडिया लि. द्रव्य बिस्किंग, थार. सा. दल रोड बड़ोदरा में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन कि इस तारीख को निहित होगा।

अनुसूची				
वाघोदिया से आई सी पी एल पाइपलाइन				
राज्य—गुजरात	जिला—वडोदा	तालुका—वाघोदिया		
गाँव	सर्वे नं	हेक्टेयर	आर	सेंटीमीटर
जेमिहपुरा	कोटार	0	00	80
	38	0	28	80
	कार ट्रैक	0	01	92
	41	0	39	60
	44	0	37	80
	43	0	00	80
	45	0	25	20
	46	0	19	80
	47	0	18	00
	48	0	21	60
	49	0	16	20
	50/2	0	05	40
	8	0	37	80
	55/1	0	25	20
	6	0	28	80
	रोड	0	02	03
	56	0	25	20

[सं. O--14016/581/87-86-जी पी]

S.O. 1523.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 139(E) dated 27-2-87 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further, whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. cum-brances.

SCHEDULE

Pipeline from Vaghodiya to IPCL

State : Gujarat District:Vadodara Taluka: Vaghodiya

Village	Survey No.	Hect	Are	Cent.
1	2	3	4	5
Jesingpura	Kotar	0	00	80
	38	0	28	80
	Cartrack	0	01	92
	41	0	39	60

1	वेष्ट	2	3	4	5
		44	0	37	80
		43	0	00	80
		45	0	25	20
		46	0	19	80
		47	0	18	00
		48	0	21	60
		49	0	16	20
		50/2	0	05	40
		8	0	37	80
		55/1	0	25	20
		6	0	28	80
		Road	0	02	03
		56	0	25	20

[No. O-14016/581/87-86GP]

का.घा. 1524.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की अध्याय (1) के अधीन भारत सरकार के उर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का.घा.सं. 131(ई) तारीख 27-2-87 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आग्रह घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करते के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देता है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय गैस अथॉरिटी ऑफ इंडिया लि. दार्जिलिंग, आर.सी. दत्त रोड, वडोदरा में सभी वाधाओं से मुक्त रूप में घोषणा के प्रकाशन को इस तारीख को निहित होगा।

अनुसूची

वाघोदिया से आई सी पी एल पाइपलाइन

राज्य—गुजरात जिला—वडोदा तालुका—वाघोदिया

गाँव	सर्वे नम्बर	हेक्टेयर	आर	सेंटीमीटर
जेमिहपुरा	40	0	04	05
	39	0	11	52
	38	0	00	80
	26/14	0	35	28
	26/9	0	08	64
	26/8	0	27	72
	26/5	0	35	28

[सं. O-14016/571/87-86जी पी]

S.O. 1524.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 131(E) dated 27-2-87 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. cumbrances.

SCHEDULE

Pipeline from Vaghodiya to IPCL

State: Gujarat District : Vadodara Taluka Vaghodiya

Village	Survey No.	Hect.	Are	Cent.
Nimetha	40	0	04	05
	39	0	11	52
	38	0	00	80
	26/14	0	35	28
	26/9	0	08	64
	26/8	0	27	72
	26/5	0	35	08

[No. O-14016/571/87-86-GP]

का.धा. 1525.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का.धा.सं. 127(ई) तारीख 27-2-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न सूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अगता आणय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेदन देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार से निहित होने की बजाय गैस अथॉरिटी ऑफ इंडिया लि. दर्पण बिल्डिंग, आर.सी. वन रोड, बड़ोदरा सभी बाधाओं से मुक्त रूप में बाधना के प्रकाशन को हुए तारीख को निहित होगा।

अनुसूची

वाघोडीया से आई पी सी एल पाइपलाइन

राज्य—गुजरात	जिला—बड़ोदरा	तालुका—वाघोडीया	गांव	सर्वे नम्बर	हेक्टेयर	आर	सेंटीयर
कूमेथा				84	0	15	12
				81	0	04	32
				88	0	30	96
				83	0	01	44
				94	0	23	04
				92	0	21	60
				91	0	23	76
				90	0	12	24

[सं. O-14016/569/87-86 जो पी]

S.O. 1525.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 127(E) dated 27-2-87 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further, in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. cumbrances.

SCHEDULE

Pipeline from Vaghodiya to IPCL.

State : Gujarat District : Vadodara Taluka : Vaghodiya

Village	Survey No.	Hect.	Are	Cent.
Kumetha	84	0	15	12
	81	0	04	32
	88	0	30	96
	83	0	01	44
	94	0	23	04
	92	0	21	60
	91	0	23	76
	90	0	12	24

[No. O-14016/569/87-86GP]

का.प्र. 1526:—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का.प्र.सं. 134(ई) तारीख 29-2-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः यन्त्रम प्राधिकारी ने उक्त अधिनियम की धारा 5 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना के संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का निश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय गैस अक्विपिटी ऑफ इन्डिया लि. वर्पण बिजिंग, धार.सं. दत्त रोड, बड़ोदरा, तमो आधाधों से मुक्त रूप से घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

बाबोडीया में आईपीबीअल पाइपलाइन

राज्य—गुजरात जिला—बड़ोदरा तालुका—बाबोडीया

गांव	सर्वे संख्या	हेक्टेयर	आर	सेटीयर
1	2	3	4	5
बाबोडीया	कारट्रेक	0	01	44
	670	0	15	12
	669/2	0	14	40
	669/1	0	01	44
	कोटार	0	05	76
	688	0	04	00
	687	0	13	00
	686	0	11	52
	882/1	0	10	80
	693	0	27	72
	वेस्ट सैंड	0	02	88
	865	0	14	40
	866	0	05	40
	861/2	0	01	01
	861/1	0	04	32
	862	0	03	60
	848/2	0	07	56
	848/1	0	00	36
	845	0	13	20
	रोड	0	04	32
	843/1	0	13	20
	कारट्रेक	0	02	16
	835	0	03	04
	836	0	06	84
	842/2	0	07	92
	841	0	05	76

1	2	3	4	5
	840	0	18	72
	839/2	0	03	60
	730	0	09	36
	741	0	03	96
	740/2	0	08	28
	748	0	18	64
	747	0	01	44
	750	0	03	04
	752	0	20	16
	753	0	05	40
	कारट्रेक	0	03	60
	1434	0	08	10
	कारट्रेक	0	01	01
	1879	0	2	02
	1866	0	16	56
	1865	0	10	80
	कारट्रेक	0	02	16
	1864	0	07	92
	1467	0	07	92
	1471/1	0	02	88
	कनाल	0	03	60
	1470	0	00	72
	1471/2	0	05	04
	1472	0	00	72
	कारट्रेक	0	00	92
	1762/1	0	17	10
	1737	0	02	88
	1739/1	0	03	04
	1739	0	03	04
	1740/1	0	05	76
	1740/2	0	05	76
	1743/1	0	10	80
	1743/2	0	00	80
	1746	0	02	88
	1731/1	0	09	36
	1730	0	02	52
	कनाल	0	02	03
	1726/2	0	00	36
	1728	0	16	92
	1729	0	00	36
	1702	0	05	76
	1703	0	07	20
	1696	0	10	08
	1697	0	18	72
	1698	0	10	08
	108	1	20	96

[सं. O-14016/578/87-86 जो.पी]

S.O. 1526.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 134(E) dated 27-2-87 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification :

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of the Gas Authority of India Ltd. cumbrances.

SCHEDULE

Pipeline from Waghodia to IPCL
State : Gujarat District : Vadodara Taluka : Waghodia

Village	Survey No.	Hect.	Are	Cent.
Waghodia	Cartrack	0	01	44
	670	0	15	12
	669/2	0	14	40
	669/1	0	01	44
	Kotar	0	05	76
	688	0	04	00
	687	0	13	00
	686	0	11	52
	882/1	0	10	80
	683	0	27	72
	West Land	0	02	88
	865	0	14	40
	866	0	05	40
	861/2	0	01	01
	861/1	0	04	32
	862	0	13	60
	848/2	0	07	56
	849/1	0	00	36
	845	0	13	20
	Road	0	04	32
West Land	843/1	0	13	20
	Cartrack	0	02	16
	835	0	03	04
	836	0	06	84
	842/2	0	07	92
	841	0	05	76
	840	0	18	72
	839/2	0	03	60
	730	0	09	36
	741	0	03	96
	740/2	0	08	28
	748	0	17	64
	747	0	01	44
	750	0	03	04
	752	0	20	16
	753	0	05	40
	Cartrack	0	03	60
	1434	0	08	10
Cartrack	1879	0	00	01
	1879	0	02	02

1	2	3	4	5
	1866	0	16	56
	1865	0	10	80
	Cartrack	0	02	16
	1864	0	07	92
	1467	0	07	92
	1471/1	0	02	88
	Canal	0	03	60
	1470	0	00	72
	1471/2	0	05	04
	1472	0	00	72
	Cartrack	0	00	92
	1761/1	0	17	10
	1737	0	02	88
	1739/1	0	03	04
	1739	0	03	04
	1740/1	0	05	76
	1740/2	0	05	76
	1743/1	0	00	80
	1763/2	0	00	80
	1746	0	02	88
	1731/1	0	09	36
	1730	0	02	52
	Canal	0	02	03
	1726/2	0	00	36
	1728	0	16	92
	1729	0	00	36
	1702	0	05	76
	1703	0	07	20
	1696	0	10	08
	1697	0	18	72
	1698	0	10	08
	108	1	20	96

[No. O-14016/578/87-86 GP]

का.आ. 1527 :—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का.आ.सं. 138(ई) तारीख 27-2-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों के विस्तार के लिए अर्जित करने का अपना आग्रह घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप धारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग

का अधिकार पाहपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय गैस ऑथोरिटी ऑफ इन्डिया लि. दर्पण बिल्डिंग, आर.सी. दत्त रोड, वडोदरा, सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित हो गई।

अनुसूची

वाघोडीया से आईपीसीएल पाईप लाईन

राज्य : --गुजरात जिला : --वडोदरा तालुका : --वाघोडीया

गांव	सर्वे नंबर	हेक्टेयर	आर.	सेंटीयर
बकरोल	120/पी	0	94	40
	120/पी	0	91	44
	कोटार	0	02	16

[सं. O-14016/582/87-86 जो.पी]

S.O. 1527.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 138(E) dated 27-2-87 under sub-section (1) of section 3 of the Petroleum and Minerals (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. cum-branches.

SCHEDULE

Pipeline from Waghodiya to IPCL

State : Gujarat District : Vadodara Taluka : Waghodiya

Village	Survey No.	Hec-tare	Are	Centi-tiare
BAKROL	120/P	0	94	40
	120/P	0	91	44
	KOTAR	0	02	16

[No. O-14016/582/87-86GP]

का.आ. 1528 :—यतः पेट्रोलियम और खनिज पाहपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का.आ.सं. 130(इ) तारीख 27-2-87

द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाहपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

आगे आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब; अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषणा करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाहपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय गैस ऑथोरिटी ऑफ इन्डिया लि. दर्पण बिल्डिंग, आर.सी. दत्त रोड, वडोदरा सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगी।

अनुसूची

वाघोडीया से आईपीसीएल पाईप लाईन

राज्य : --गुजरात जिला : --वडोदरा तालुका : --वाघोडीया

गांव	प्लॉक नंबर	हेक्टेयर	आर.	सेंटीयर
1	2	3	4	5
दशरथी	618	0	17	64
	616	0	16	56
	614	0	09	00
	620	0	03	60
	621	0	10	08
	622	0	22	32
	काट्रेक	0	01	08
	610	0	17	28
	608	0	05	76
	609	0	18	72
	काट्रेक	0	04	32
	577	0	01	76
	575	0	20	56
	571	0	13	68
	572	0	14	68
	571	0	46	08
	529	0	26	56
	528	0	15	84
	520	0	02	70
	527	0	09	00
	521	0	12	24
	522	0	12	96
	344	0	03	00
	408	0	04	32
	467	0	17	28
	466	0	04	32
	435	0	17	64
	457	0	21	60

1	2	3	4	5
दशरथ—जारी	काटेक	0	00	72
	458/पी	0	25	20
	448	0	10	80
	117	0	16	56
	146	0	01	62
	435	0	05	04
	436	0	14	04
	430	0	34	56
	411	0	12	96
	410/पी	0	13	68
	412	0	01	08
	रोड	0	07	20
	रोड	0	04	32
	325	0	25	82
	341	0	48	60
	334	0	11	16
	335	0	02	16
	338	0	02	88
	काटेक	0	02	88
	337	0	03	60
	346	0	17	28
	352	0	07	92
	312	0	07	92
	303	0	17	28
	302	0	07	20
	292	0	14	40
	301	0	09	36
	293	0	01	26
	294	0	06	84
	काटेक	0	01	80
	295	0	04	54
	287	0	10	80
	285	0	43	20
	284	0	00	54
	काटेक	0	02	16
	251	0	10	80
	258	0	25	20
	256	0	03	60

[सं. O-14016/572/87-86 जो पी]

S.O. 1528.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 130(E) dated 27-2-87 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas, the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central

Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. cum-brances.

SCHEDULE

Pipeline from Vaghodiya to ICPL

Sate : Gujarat District : Vadodara Taluka : Vaghodiya

Village	Block No.	Hec-tare	Are	Cen-tiare
DASHARATH	618	0	17	64
	616	0	16	76
	614	0	09	00
	620	0	03	60
	621	0	10	80
	622	0	22	32
	Cart track	0	01	08
	610	0	17	28
	608	0	05	76
	609	0	18	72
	Cart track	0	04	32
	577	0	01	76
	575	0	20	56
	574	0	13	68
	572	0	13	68
	571	0	46	08
	529	0	16	56
	528	0	15	84
	520	0	02	70
	527	0	09	00
	521	0	12	24
	522	0	12	96
	844	0	03	60
	468	0	04	32
	467	0	17	28
	466	0	04	32
	455	0	17	64
	457	0	21	60
	Car track	0	00	72
	458/P	0	25	20
	448	0	10	80
	447	0	16	55
	446	0	01	62
	435	0	05	04
	436	0	14	04
	430	0	34	56
	411	0	12	96
	410/P	0	13	68
	412	0	01	08
	Road	0	07	20
	Road	0	04	32
	325	0	25	82
	341	0	48	60

1	2	3	4	5
	334	0	11	16
	335	0	02	16
	338	0	02	88
	Car track	0	02	88
	337	0	03	160
	346	0	17	28
	352	0	07	92
	312	0	07	92
	303	0	17	28
	302	0	07	20
	292	0	14	40
	301	0	09	36
	293	0	01	26
	294	0	06	84
	Car track	0	01	80
	295	0	04	54
	287	0	10	80
	285	0	43	20
	284	0	00	54
	Car track	0	02	16
	251	0	10	80
	258	0	25	20
	256	0	03	60

[No. O-14016/572/87-86GP]

अनुसूची				
वाघोडीया से आई.पी.सी. तेल पाईप लाइन				
राज्य : गुजरात जिला : —बडोदा तालुका : वाघोडीया				
गांव	ब्लॉक नंबर	हेक्टेयर	ग्रर	सेटीयर
भादोल खुर्द	88	0	18	72
	93	0	09	00
	92	0	09	36
	86	0	26	64
	85	0	00	90
	149	0	22	64
	151	0	01	12
	82	0	07	92
	81	0	09	90
	155	0	25	20
	156	0	01	60
	144	0	05	40
	146	0	32	40
	147	0	23	40
	148	0	30	96
	139	0	07	20
	140	0	10	80
	6	0	17	28
	7	भ	16	20

[सं. ओ-14016/570/87-86 जी पी]

का.आ. 1529:—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का.आ.सं. 132 तारीख 27-2-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब; अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करके हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजह से ऑयॉरिटी ऑफ इंडिया लि. दर्पण बिल्डिंग, आर.सी. दत्त रोड, बडोदरा, सभी बाधाओं में मुक्त रूप घोषणा के प्रकाशन की इस तारीख को निहित होगा।

S.O. 1529.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 132(E) dated 27-2-87 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. without any cumbrances.

SCHEDULE

Pipeline from Waghodia to IPCL

State : Gujarat

District : Baroda

Taluka :
Waghodia

Village	Block No.	Hec- tare	Are	Cen- tiare
BHADOL	88	0	18	72
KHURAD	93	0	09	00
	92	0	09	36
	86	0	26	64
	85	0	00	90
	149	0	22	64
	151	0	01	12
	82	0	07	92
	81	0	09	90
	155	0	25	20
	156	0	01	80
	144	0	05	40
	146	0	32	40
	147	0	23	40
	148	0	30	96
	139	0	07	20
	140	0	10	87
	6	0	17	28
	7	0	16	20

[No. O-14016/570/87-86GP]

का.आ. 1530 :—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का.आ.सं. 233(ई) तारीख 27-2-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और 4तः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रवक्ष्य शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (2) द्वारा प्रवक्ष्य शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय गैस ऑथोरिटी ऑफ इन्डिया लि. दर्पण बिल्डिंग, आर.पी. दत्त रोड, बडोदरा, सभी माध्यमों से सुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

वाघोडीया से आई.पी.सी. सेल पाइप लाइन

राज्य :—गुजरात जिला :—वडोदा तालुका :—वाघोडीया

गांव	सर्वे नंबर	हक्टर	आर	सेंटीयर
अलवा	375	0	14	40
	376	0	12	24
	384	0	24	48
कोटर		0	10	80
	365	0	11	34
	363	0	05	04
	358	0	00	60
	360	0	12	96
	356	0	06	30
	354	0	06	57
	355/3	0	01	35
	353	0	07	20
	352	0	01	80
	331/2	0	13	00
	331/1	0	30	60
	330	0	14	40
	337	0	25	20
	303	0	26	64
	304	0	11	52
	307	0	33	84
	310	0	32	40
	311	0	20	16

[सं. ओ-14016/579/87-86 जी पी]

S.O. 1530.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 133(E) dated 27-2-87 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline,

And further in exercise of power conferred by sub section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. without any cumbrances.

SCHEDULE

Pipeline from Waghodia to IPCL

State : Gujarat District : Vadodara Taluka : Waghodia

Village	Survey No.	Hec-tare	Are	Can-tiare
ALWA	375	0	14	40
	376	0	12	24
	384	0	24	48
	KOTAR	0	10	80
	365	0	11	34
	363	0	05	04
	359	0	00	60
	360	0	12	96
	356	0	06	30
	354	0	06	57
	355/1	0	01	35
	353	0	07	20
	352	0	01	80
	331/2	0	13	00
	331/1	0	30	60
	338	0	14	40
	337	0	25	20
	303	0	26	64
	304	0	11	52
	307	0	33	84
	310	0	32	40
	311	0	20	16

[No. O-14016/579/87-86G.P

का.प्रा. 1531:—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का.प्रा.सं. 129(इ) तारीख 27-2-87 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अथः अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेदन देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय गैस ऑथॉरिटी ऑफ इण्डिया लि., वर्ण विन्डिंग, प्रार.सी. वस रोड, वडोदरा, सभी बाधाओं से मुक्त रूप में धोपणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

वाघोडीया से आईपीसी सेल पाईप लाईन

राज्य :—गुजरात जिला :—वडोदरा तालुका :—वाघोडीया

गांव	सर्वे नंबर	हेक्टर	आर	सेटीयर
जंबुवई	09	0	04	50
	32/1	0	28	80
	33	0	03	24
	33/1	0	10	80
	54/पी	0	32	40
	57	0	10	80
	58	0	25	80
	59	0	12	60
	60	0	13	50
	61	0	21	60
	62	0	03	60
	35	0	23	76

[सं. सो-14016/573/87-86 जी पी]

S.O. 1531.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 129(E) dated 27-2-87 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. without any cumbrances.

SCHEDULE

Pipeline from Waghodia to IPCL

State : Gujarat District : Vadodara Taluka : Waghodia

Village	Survey No.	Hec-tare	Are	Can-tiare
JAMBUVAI	09	0	04	50
	32/1	0	28	80
	33	0	03	24
	33/1	0	10	80
	54/P	0	32	40
	57	0	10	80
	58	0	25	80
	59	0	12	60
	60	0	13	50
	61	0	21	60
	62	0	03	60
	35	0	23	76

[No. O-14016/573/86-87 GP]

कां.प्र. 1532:—यतः पेट्रोलियम ग्रीस खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का.प्र.मं. 235(ई) तारीख 27-2-87 द्वारा केन्द्रीय सरकार ने उन अधिसूचना से संलग्न भूसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना प्राण्य प्रोत्तिन कर दिया था।

और यतः सतत प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन सरकार को रिपोर्ट दे रही है।

और चाहे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न भूसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब; अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न भूसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और चाहे उन धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय गैस प्राधिकारी की शक्ति में हस्तांतरित किया जाये।

भूसूची

वायोडीया से आई पी सी सेल पाइप लाइन

राज्य : — गुजरात जिला : — बड़ोदरा तालुका : — वायोडीया

गांव	सर्वे नंबर	हेक्टर आर.	मेंटीयर
गजावण	357	0	24
	347	0	10
	350	0	32
	340	0	01
	339	0	10
	284	0	10
	283	0	05
	279	0	15
	280	0	13
	261	0	01
	257	0	11
	260	0	05
	259	0	14
	204	0	03
	209	0	07
	208	0	09
	206/1	0	12
	205/1	0	03
	205/2	0	02
	204/1	0	11
	203	0	01
	195	0	04
	196	0	10
	कांटे ट्रेक	0	01
	169	0	10
	कोटर	0	02

1	2	3	4	5
	93	0	21	60
	80	0	37	14
	84	0	01	12
	81	0	18	18
	76	0	02	70
	75	0	16	56
	70	0	00	80
	कांटर	0	02	88
	71	0	14	68
	कोटर	0	03	60
	72	0	13	00
	कोटर	0	03	60
	08	0	10	80
	07	0	00	50
	14	0	17	18
	15	0	10	80
	16	0	10	08
	18	0	19	44
	19/1	0	15	12
	22	0	01	12
	गट्टे ट्रेक	0	04	50
	784/1	0	15	52
	784/2	0	10	80
	730/1			
	782	0	10	80
	783	0	04	50

[सं. प्रो-14016/577/87-86 जी पी]

S.O. 1532.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 135(E) dated 27-2-87 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section 4 of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd without any encumbrances.

SCHEDULE

Pipeline from Waghodia to IPCL

State : Gujarat District: Vadodara Taluka: Waghodia

Village	Survey No.	Hec- tare	Are tare	Centi- tiare
1	2	3	4	5
GAJADRA	357	0	23	04
	347	0	10	80
	350	0	32	40
	340	0	01	26
	339	0	10	26
	284	0	10	08
	285	0	05	76
	279	0	15	84
	280	0	13	68
	261	0	1	44
	257	0	11	52
	260	0	05	04
	259	0	14	04
	264	0	03	24
	209	0	07	56
	208	0	09	36
	206/1	0	12	24
	205/1	0	03	60
	205/2	0	02	70
	204/1	0	11	24
	203	0	01	00
	195	0	04	68
	196	0	10	80
Cart-Track		0	01	44
169		0	10	08
Kotar		0	02	88
93		0	21	60
80		0	37	44
84		0	01	12
81		0	18	18
76		0	02	70
75		0	16	56
70		0	00	80
Kotar		0	02	88
71		0	13	68
Kotar		0	03	60
72		0	13	00
Kotar		0	03	60
08		0	10	80
07		0	00	50
14		0	17	18
15		0	10	80
16		0	10	08
18		0	19	44
19/1		0	15	12
22		0	01	12
Cart-track		0	04	50
784/1		0	15	52
784/2		0	10	80
730/1		0	09	30

1	2	3	4	5
	782	0	10	80
	783	0	04	50

[No. O-14016/577/87-86-GP]

का. भा. 1533:—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50, की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय, पेट्रोलियम विभाग की अधिसूचना का. भा. सं. 141(ई) तारीख 27-2-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित कर अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय गैस प्राप्ति रिट्रो आक इंडिया लि. दौग बिस्किंग, आर. सं. दस्त रोड, बड़ोदरा, में सभी बाधाओं से मुक्त रूप में कोयला के प्रकाशन कि इस तारीख को निहित होगा।

अनुसूची

बाधोडा आ से आई. पी. सी. ऐल तक पाइप लाइन

राज्य : गुजरात	जिला : बड़ोदरा	ता. : बाधोदरा		
गांव	सर्वे नं.	हेक्टर	आर.	सेन्टीयर
करवीया	547	0	12	96
	548	0	08	10
	546	0	06	48
	549	0	09	90
		0	02	16
	535	0	03	40
	534	0	16	20
	533	0	04	50
		0	02	70
	520/2	0	16	56
	522	0	16	20
	524/1	0	02	70
	526	0	08	10
	525	0	16	20
		0	01	80
		0	09	00
		0	01	44
366	0	07	20	
367/1	0	00	32	
367/2	0	00	56	

[सं. जी-14016/558/87-86-जी पी]

S.O. 1533.—Whereas by Notification of the Government of India in the Ministry of Petroleum S.O. 141(E) dated 27-2-87 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that Notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this Notification;

Now, therefore, in exercise of the power conferred by Sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this Notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

SCHEDULE

Pipeline from Waghodia to I.P.C.L., State : Gujarat

District : Vadodara, Taluka : Waghodia

Village	Survey No.	Hec-tare	Are	Cent-tars
Karchiya	547	0	12	96
	548	0	08	10
	546	0	05	48
	549	0	09	90
	Cart Track	0	02	16
	535	0	05	40
	534	0	16	20
	533	0	04	50
	Cart Track	0	02	70
	520/2	0	16	56
	522	0	16	20
	524/1	0	02	70
	526	0	08	10
	525	0	16	20
	Kharabo	0	01	80
	Railway	0	09	00
	Cart Mrack	0	01	44
	366	0	07	20
	367/1	0	00	32
	367/2	0	00	56

फा. फा. 1534:—यहां पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अर्जन भारत सरकार के ऊर्जा संवत्सय, पेट्रोलियम विभाग का अधिसूचना फा.सं. 128(ई) तारीख 27-2-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना प्राथम्य घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अर्जन सरकार को रिपोर्ट दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रसूत शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने का अर्जाय गैर आधिकारिकी आफ इंडिया लि. की ग विन्डिंग, आर.स.। दत्त रोड, बडोदरा में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन कि उस तारीखों को निहित होगा।

अनुसूची

वाघोडीया से आई पी सी एल तक पाइप लाइन

राज्य : गुजरात	जिला : बडोदरा	तालुका : बडोदरा		
गांव	सर्वे नम्बर	हेक्टर	आर	सेंटियर
आमलियावा	51	0	19	80
	53	0	18	00
	55	0	07	20
	54	0	12	96
	151	0	07	20
	154	0	10	80
	150	0	01	01
	149	0	09	36
	156	0	01	44
	157	0	12	24
	126	0	05	76
	145	0	12	00
	127	0	09	36
	122	0	06	48
	121	0	05	76
	120	0	07	20
	119	0	04	32
	112	0	18	72
	114	0	19	44
	रोड	0	03	60
189	0	07	92	
186	0	12	93	

1	2	3	4	5
आमलियारा	187	0	03	60
(जारी)	184	0	04	32
	183	0	07	20
	182	0	06	48
	179	0	07	92
	174	0	00	80
	176	0	40	32

[सं. O-14016/574/87-86-भा पं.]

S.O. 1534.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 128(E) dated 27-2-87 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas, the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. cum-branches.

SCHEDULE

Pipeline from Waghodia to IPCL

State : Gujarat District : Baroda Taluka : Baroda

Village	Block No.	Hec-tare	Arc	Centiare
1	2	3	4	5
Amaliyara	51	0	10	80
	53	0	18	00
	55	0	07	20
	54	0	12	96
	151	0	07	20
	154	0	10	80
	150	0	01	01
	149	0	09	36
	156	0	01	44
	157	0	12	24
	126	0	05	76
	145	0	12	00
	127	0	09	36
	122	0	06	48
	121	0	05	76
	120	0	07	20
	119	0	04	32
	112	0	18	72
	114	0	19	44
Road		0	03	60
129		0	07	92

1	2	3	4	5
	186	0	12	96
	187	0	03	60
	184	0	04	32
	183	0	07	20
	182	0	06	48
	179	0	07	92
	174	0	00	80
	176	0	40	32

[No. O-14016/574/87-86-GP]

का. प्रा. 1535—यहां प्रिपोजा और प्रो. पाइप लाइन (भूमि में उपयोग के अधिकार का जर्न) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के प्रयोग द्वारा सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिपुत्रता का. प्रा. सं. 140(अ) तारीख 29-2-87 द्वारा केन्द्रीय सरकार ने उक्त अधिपुत्रता से संबंध अनुसूची में निर्दिष्ट भूमियों में उक्त अधिकार को प्राप्त करने का विधान के लिए अर्जित करने का प्रस्ताव पेश किया गया है।

भारत सरकार द्वारा अधिनियम के उक्त अधिनियम की धारा 6 की उपधारा (1) के प्रयोग द्वारा सरकार को रिपोर्ट दे दी है।

और आगे, यहाँ केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिपुत्रता से संबंध अनुसूची में निर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का निर्णय लिया है।

अब, यहाँ उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदान शक्ति का प्रयोग करी हुए केन्द्रीय सरकार द्वारा पेश किया गया है कि इस अधिपुत्रता के अंतर्गत अनुसूची में निर्दिष्ट उक्त भूमियों में उपयोग का अधिकार प्राप्त करने के लिए आवश्यक विधान अर्जित किया जाता है।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रदान शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निर्दिष्ट होने की वजह से अधीनस्थी प्रा. सं. इंदिया नि. दर्पण बिल्डिंग, आर.सी. वस्त रोड, बबोदरा, सभी बाधाओं से मुक्त रूप से प्राप्ति के प्रमाण कि इस तारीख को निर्दिष्ट होगा

अनुसूची

बाघोडिया से आई पी सी एल पाइप लाइन

राज्य : गुजरात

जिला : बड़ोदरा

तालुका : बड़ोदरा

गांव	सर्वे नं.	हेक्टर	आर	सेन्टीयर
1	2	3	4	5
देगा	कोटार	0	12	96
	रोड	0	02	88
	460	0	07	92
		0	05	04
		0	12	96
		0	03	60
	457	0	19	44
	458	0		

1	2	3	4	5
देना-जारी	461	0	05	76
	462	0	16	92
कार्ट-ट्रैक		0	01	44
	14	0	08	64
	17	0	06	48
	18	0	08	64
	23	0	32	40
	25	0	20	16
	29	0	30	24

[सं. O-14016/580/87-86-जी पी]

S.O. 1535.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 140(E) dated 27-2-87 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd cum-brances.

SCHEDULE

Pipeline from Waghodia to IPCL

State : Gujarat District : Vadodara

Taluka : Vadodara

Village	Survey No.	Hec-tare	Are	Centiare
Dena	Kotar	0	12	96
	Road	0	02	88
	460	0	07	92
		0	05	04
		0	12	96
	457	0	02	60
	459	0	19	44
	461	0	05	76
	462	0	16	92
	Car Track	0	01	44
	14	0	08	64
	17	0	06	48
	18	0	08	64
	23	0	32	40
	25	0	20	16
	29	0	30	24

[No. O-14016/580/87-86-GP]

का.आ. 1536—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का प्रश्न) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिवृत्त का आ. सं. 137(अ) तारीख 27-2-87 द्वारा केन्द्रीय सरकार ने उस अधिवृत्त से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का प्रस्ताव प्रेषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् उस अधिवृत्त से संलग्न अनुसूची में विनिर्दिष्ट भूमियों का उपयोग का अधिकार अर्जित करने का निश्चय किया है।

अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिवृत्त में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजह से ओयारिटी आफ़ इंडिया लि. दर्पण बिल्डिंग, आर.सी. दत्त रोड, बडोदरा, समी. बाघावां से मुक्त हवा में घोषणा के प्रकाशन कि इस तारीख की निहित होगी।

अनुसूची

राज्य : गुजरात जिला : वडोदरा तालुका : वडोदरा

गांव	सर्वे नम्बर	हेक्टर	आर	सेन्टीयर
1	2	3	4	5
कोटाजी	145	0	32	76
	147	0	15	84
	149	0	05	76
	150	0	10	08
	202	0	12	24
	200	0	13	32
	199	0	09	72
	188	0	01	98
	168	0	00	72
	187	0	23	76
	186	0	08	28
	176	0	05	40
	178	0	00	48
	177	0	07	20
	318 ए	0	00	16
	318बी	0	08	76
	319	0	00	16
	कार्ट-ट्रैक	0	03	96
	115	0	00	16
	114	0	17	28
	112	0	03	96
	110	0	13	68
	109	0	21	60
	108	0	19	08

1	2	3	4	5
	107	0	12	24
	99	0	10	80
	98	0	08	64
	97	0	12	24
	96	0	15	84
	93	0	38	52
	92	0	04	32
	कोटार	0	04	68
	91	0	24	48
	90ए और बी	0	13	52
	89	0	03	52

[सं. O-14016/575/87-86जी पी]

S.O. 1536.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 137(E) dated 27-2-87 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And, whereas, the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And, further, whereas, the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And, further, in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. cum-branches.

SCHEDULE

Pipeline from Waghodia to IPCL

State : Gujarat District : Vadodara
Taluka : Vadodara

Village	Block No.	Hec-tare	Are	Centiare
1	2	3	4	5
Kotali	145	0	32	76
	147	0	15	84
	149	0	05	76
	150	0	10	08
	202	0	12	24
	200	0	13	32
	199	0	09	72
	188	0	01	98
	168	0	00	72
	187	0	23	76
	186	0	08	28
	176	0	05	40

1	2	3	4	5
	178	0	00	48
	177	0	07	20
	318A	0	00	16
	318B	0	05	76
	319	0	00	16
	Cart Track	0	03	96
	115	0	00	16
	114	0	17	28
	112	0	03	96
	110	0	13	68
	109	0	21	60
	108	0	19	08
	107	0	12	24
	99	0	10	80
	98	0	08	64
	97	0	12	24
	96	0	15	84
	93	0	38	52
	92	0	04	32
	Kotar	0	04	68
	91	0	24	48
	90A&B	0	13	52
	89	0	03	52

[No. O-14016/575/87-86-GP]

का.प्रा. 1537.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार-का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का.प्रा.सं. 136(ई) तारीख 27-2-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइन को बिछाने के लिए अर्जित करने का अपना प्राण्य घोषित कर दिया था।

और, अतः, संलग्न प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और, आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः, उक्त अधिनियम की धारा 6 उपधारा (1) द्वारा प्रबल शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और, आगे, उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय गैस प्रोपेरोटीटी प्राक इन्डिया लि. की वर्षण विस्डोंग, आर.सी. दत्त रोड, बडोदरा, सभी बाधाओं से मुक्त रूप से घोषणा के प्रकाशन कि इस तारीख को निहित होगा।

अनुसूची

वाघोदिया से आईपीसीएल पाइप लाईन

राज्य :—गुजरात जिला : वडोदा तालुका : वडोदा

गांव	ब्लॉक नं.	हेक्टर	आर	सन्टियर
वेमाली	बड़िया	0	11	52
	181	0	20	88
	सड़क	0	01	80
	180	0	19	52
	178	0	04	32
	179	0	10	80
	सड़क	0	00	72
	173	0	00	48
	172	0	13	68
	171	0	10	08
	154/ए.बी.	0	50	40
	149	0	02	52
	कार्ट ट्रैक	0	01	44
	153	0	16	56

[सं. O-14016/576/87-86-जीपी]

S.O. 1537.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 136(E) dated 27-2-87 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And, whereas, the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And, further, whereas, the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And, further, in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. cum-branches.

SCHEDULE

Pipeline from Waghodia to IPCL

State : Gujarat District : Baroda Taluka : Baroda

Village	Block No.	Hec-tare	Are	Centiare
Vemali	River	0	11	52
	181	0	20	88
	Road	0	01	80
	180	0	19	52
	178	0	04	32
	179	0	10	80
	Road	0	00	72
	173	0	00	48
	172	0	13	68
	171	0	10	08
	154/A.B.	0	50	40
	149	0	02	52
	Cart Track	0	01	44
	153	0	16	56

[No. O-14016/576/87-86-GP]

का. धा. 1538.—यतः, पेट्रोलेियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलेियम विभाग की अधिसूचना का. धा. सं. 818(इ) तारीख 31-10-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइन को बिछाने के लिए अर्जित करने का अगला आशय घोषित कर दिया था।

और, अतः, संलग्न प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और, अतः, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः, उक्त अधिनियम की धारा 6 उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और, अतः, उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजाय गैस ऑथोरिटी ऑफ इन्डिया लि. दर्पण बिल्डींग, धार. सी. दत्त रोड, बडोदरा, सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन कि इस तारीख को निहित होगा।

अनुसूची

खोमला से एन.टी.पी.सी. पाइप लाईन

राज्य : गुजरात	जिला : सुरत	तालुका : खोयसी	गांव	सर्वे नम्बर	हेक्टर	आर	सन्टियर
			मोरा	175	0	40	14
				174/ए	0	08	64

[सं. ओ-14016/562/87-86-जीपी]

S.O. 1538.—Whereas, by notification of the Government of India in the Ministry of Petroleum S.O. 818(E) dated 31-10-86 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And, whereas, the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And, further, whereas, the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And, further, in exercise of power conferred by sub-section (4) of that section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. cum-branches.

SCHEDULE

LIMLA to N.T.P.C. Pipeline

State : Gujarat Dist. : Surat Taluka : Choriyasi

Village	Survey No.	Hectar	Are	Centire
1	2	3	4	5
Mora	175	0	40	14
	174/A	0	08	64

[No. O-14016/562/87-86-G.P.]

का.आ. 1539.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का.आ.सं. 819(ई) तारीख 31-10-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूचि में विनिर्दिष्ट भूमियां में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब; अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूचि में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय गैस ओयोरिटी आफ इन्डिया लि. दर्पण बिल्डींग, आर.सी. दत्त रोड, वडोदरा सभी वाधओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

लीमला से एन.टी.पी.सी. पाईप लाईन

राज्य—गुजरात	जिला—सुरत	तालुका—चोर्यासी		
गांव	स.नं.	हे.	आरे.	से.आर
लीमला	111	0	05	94
	110	0	36	45
	107	0	05	41
कांस		0	95	57
	96	0	15	20
	95	0	27	17
	94	0	22	61
	93/1पी	0	05	51
	93 2	0	18	62
	93/1पी	0	50	58
	92	0	04	68
	83	0	13	86

[सं. ओ-14016/563/87-86-जीपी]]

S.O. 1539.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 819(E) dated 31-10-86 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And, further, in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. encumbrances.

SCHEDULE

Pipeline from LIMLA to N.T.P.C.

State : Gujarat Dist. : Surat TA : Choriyasi

Village	Survey No.	Hec-tare	Are	Centire
Limla	111	0	05	94
	110	0	36	45
	107	0	05	41
Kans		0	95	57
	96	0	15	20
	95	0	27	17
	94	0	22	61
	93/1P	0	05	51
	93/2	0	18	62
	93/1P	0	50	58
	92	0	04	68
	83	0	13	86

[No. O—14016/563/87-86-G.P.]

का.आ. 1540.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का.आ. सं. 817 तारीख 1-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइन को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूचि में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने को बचाव लेन और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की दृष्टि सारिख को निहित होगा।

अनुसूची

उम्भराट से हजीरा तक पाइपलाइन बिछाने के लिए

राज्य—गुजरात	जिला—सुरत	तालुका—चोरसी		
गाँव	ब्लॉक नं.	हेक्टर	अर	सन्दीयर
भाटपोर	333	0	68	80

ह०

(पो. टी. एवंगर)

राक्षस अधिकारी

सुरत और बलसाड जिला के लिए, सुरत

[सं. 14016/543/86-जी.पा.]

S.O. 1540.—Whereas by notification of the Government of India in the Ministry of Energy (Department of Petroleum) S.O. 817 dated 1-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further, in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Umbharat to Hazira are

State : Gujarat District : Surat Taluka : Chorasi

Village	Block No.	Hectare	Centiare
Bhatpore	333	0	68 80

Sd/-

(P.D. KHENGAR)

Competent Authority

For Surat and Valsod Distt, in Gujarat State Surat

[No. 14016/543/86-GP]

CORRIGENDA

S.O. In the Gazette of India Ministry of Energy (Department of Petroleum) No. S.O. 3340 dated 4-7-85 published on 20-7-85 at pages 3891 & 3892 in

Vol-2 part-3 (ii) under sub section (1) of section 6 of the petroleum and mineral pipe line (Acquisition of right of users in land) Act 1962 (50 of 1962) in column 5 & 6 be read as follows :—

Already Published		To be substituted	
5	6	5	6
137	0.49	137	0.24
138	0.82	138	1.20

[No. O-14016/86/84-G.P.]

शुद्धि पत्र

का.पा. 1542.—भारत का राजपत्र दिनांक 1-12-84 के भाग-2 खण्ड-3 उपखण्ड (ii) में पृष्ठ संख्या 3779 पर प्रकाशित भारत सरकार के ऊर्जा मंत्रालय (पेट्रोलियम विभाग) को खनिज पाइप लाइन के (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3(1) के अधीन जारी की गई अधिसूचना का.पा. 4110 दिनांक 12-11-84 की प्रकाशित सूची के स्तम्भ 5 व 6 में निम्न प्रकार पढ़ा जाए।

पूर्व प्रकाशित		अब जो पढ़ा जायेगा	
5	6	5	6
281	0 42	251	0 42
282	0 24	252	0 24
283	0 18	253	0 18

[सं. प्रो-14016/327/84-जी.पी.]

S.O. 1542 :—In the Gazette of India Ministry of Energy (department of petroleum) No. S.O. 4110 dated 12-11-84 published on 1-12-84 at page 3779 in Vol. 2 Part 3 (ii) under sub section (i) of Section 3 of the petroleum and Mineral pipe line (Acquisition of right of users in land) act 1962 (50 of 1962) in column 5 & 6 be read as follows:

Already published		To be Substituted	
5	6	5	6
281	0-42	251	0-42
282	0-24	252	0-24
283	0-18	253	0-18

[No. O-14016/327/84-GP]

का.पा. 1543.—भारत का राजपत्र दिनांक 20-7-85 के भाग-2 खण्ड-3 उपखण्ड (ii) में पृष्ठ संख्या 3905 व 3906 पर प्रकाशित भारत सरकार के ऊर्जा मंत्रालय (पेट्रोलियम विभाग) को खनिज पाइप लाइन भूमि के उपयोग के अधिकार का अर्जन अधिनियम संख्या 1962 (1962 का 50) की धारा 6(1) के अधीन जारी की गई

अधिसूचना संख्या का. भा. 3349 दिनांक 4-7-85 की प्रकाशित सूची के स्तम्भ 5 व 6 में निम्न प्रकार पढ़ा जाय।

पूर्व प्रकाशित		अब जो पढ़ा जायेगा	
5	6	5	6
281	0.42	251	0.42
282	0.24	252	0.24
283	0.18	253	0.18

[सं. ओ-14016/327/84-जी.पी.]

S.O. 1543 :—In the Government Gazette of India Ministry of Energy (Department of Petroleum) No. S.O. 3349 dated 4-7-85 published on 20-7-85 at pages 3905 & 3906 in Vol. 2 Part-3 (ii) under sub section (1) of Section 6 of the Petroleum and Mineral Pipe Line (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) in column 5 & 6 be read as follows :—

Already Published		To be Substituted	
5	6	5	6
281	0-42	251	0-42
282	0-24	252	0-24
283	0-18	253	0-18

[No. O-14016/327/84-G.P.]

का.भा. 1544.—भारत का राजपत्र दिनांक 27-7-85 के भाग-2 खंड-3 उपखंड (ii) के पृष्ठ संख्या 4124 पर प्रकाशित भारत सरकार के ऊर्जा मंत्रालय (पेट्रोलियम विभाग) की खनिज पाइप लाइन के भूमि के उपयोग के अधिकार का अर्जन अधिनियम संख्या 1962 (1962 का 50) की धारा 6(1) के अधीन जारी की गई अधिसूचना संख्या ओ. 3574 दिनांक 16-7-85 की प्रकाशित सूची के स्तम्भ 5 व 6 में निम्न प्रकार पढ़ा जाय।

पूर्व प्रकाशित		अब जो पढ़ा जायेगा	
5	6	5	6
140	0.63	149	0.63
384	0.95	384	0.80
385	0.20	385	0.54
386	0.18	386	0.08

[सं. ओ-14016/336/85-जी.पी.]

S.O.1544.—In the Government Gazette of India Ministry of Energy (Department of Petroleum) No. S.O. 3574 dated 16-7-85 published on 27-7-85 at pages 4124 & 4125 in Vol. 2 Part-3 (II) under section 6(i) of the Petroleum & Minerals Pipeline (Acquisition of Right of Uses in Land) Act, 1962 (50 of 1962) in column 5 & 6 be read as follows.

Already published		To be Substituted	
5	6	5	6
140	0.63	149	0.63
384	0.95	384	0.80
385	0.20	385	0.54
386	0.18	386	0.08

[No. O-14016/36/84-G.P.]

का.भा. 1545.—भारत का राजपत्र दिनांक 1-12-84 के भाग-2 खंड-3 उपखंड (ii) में पृष्ठ संख्या 3785 पर प्रकाशित भारत सरकार के ऊर्जा मंत्रालय (पेट्रोलियम विभाग) की खनिज पाइप लाइन के भूमि के उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3(1) के अधीन जारी की गयी अधिसूचना का.भा. 4118 दिनांक 12-11-84 की प्रकाशित सूची के स्तम्भ 5 व 6 में निम्न प्रकार पढ़ा जाय :—

पूर्व प्रकाशित		अब जो पढ़ा जायेगा	
5	6	5	6
140	0.63	149	0.63
384	0.95	384	0.80
385	0.20	385	0.54
386	0.18	386	0.08

[सं. ओ-14016/336/84-जी.पी.]

जे. पी. श्रीवास्तव, सक्षम प्राधिकारी,
भारतीय गैस प्राधिकरण लि., बजनाऊ
राकेश कक्कर, उप सचिव लखनऊ

S.O.1545.—In the Gazette of India Ministry of Energy (Department of Petroleum) No. S.O. 4118 dated 12-11-84 published on 1-12-84 at page 3786 in Vol. 2 part 3 (ii) under sub section (i) of section 3 of the Petroleum & Mineral pipe line (Acquisition of Right of Users in Land) Act 1962, (50 of 1962) in column 5 & 6 be read as follows :—

Already Published		To be Substituted	
5	6	5	6
140	0.63	149	0.63
384	0.95	384	0.80
385	0.20	385	0.54
386	0.18	386	0.08

[No. O-14016/336/84-G.P.]

J.P. SRIVASTAVA, Competent Authority
Gas Authority of India Ltd. Lucknow
Rakesh Kacker, Dy. Secy

ऊर्जा मंत्रालय

(कोयला विभाग)

नई दिल्ली, 6 जून, 1987

का. भा. 1546:—यह अधिसूचित किया जाता है कि केन्द्रीय सरकार, कोयला कोयला खान (राष्ट्रीयकरण) अधिनियम, 1972 (1972 का 36) की धारा 20 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का. भा. 3057 तारीख 14 अगस्त, 1986 को अधिकांत करते हुए, उक्त अधिनियम के धारा 49(1) के अधीन सौंपे गए कार्यों को करने के प्रयोजनार्थ युगतान अधिकृत के अधिकांत प्रभार की देखा रेख करने के लिए 20 अप्रैल, 1987 से आगे प्रावेश होने तक श्री आर एस शिवामी, निवेशक, कोयला विभाग को नियुक्त करती है।

2. यह भी अधिसूचित किया जाता है कि केन्द्रीय सरकार, कोयला खान (राष्ट्रीयकरण) अधिनियम, 1973 (1973 का 26) की धारा 17 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का. भा. 3293 तारीख 23 अगस्त, 1982 को अधिकांत करते हुए, उक्त अधिनियम के द्वारा प्रयुक्त उसके अधीन सोये गए कार्यों को करने के प्रयोजनार्थ भुगतान आयुक्त के प्रतिरिक्त प्रभार की देख रेख करने के लिए 20 अप्रैल, 1987 के पूर्वाह्न से प्रारंभ होने तक श्री भार एम शिवानी, निदेशक, कोयला विभाग को नियुक्त करती है।

[सं. 11023/2/82-सी ए/प्रशा-1]

रमेश कुमार, निदेशक

MINISTRY OF ENERGY
(Department of Coal)

New Delhi, the 2nd June, 1987.

S.O. 1546.—It is hereby notified that in exercise of the powers conferred by sub-section (1) of section 20 of the Coking Coal Mines (Nationalisation) Act, 1972 (36 of 1972), and in supersession of the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 3067 dated the 14th August, 1986, the Central Government has appointed Shri R. S. Shivani, Director, Department of Coal to look after the additional charge of Commissioner of Payments for the purpose of performing the functions assigned to the Commissioner of Payments by or under the said Act with effect from the 20th April, 1987 and until further orders.

2. It is also hereby notified that in exercise of the powers conferred by sub-section (1) of section 17 of the Coal Mines (Nationalisation) Act, 1973 (26 of 1973), and in supersession of the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 3293, dated the 23rd August, 1982, the Central Government has appointed Shri R. S. Shivani, Director, Department of Coal to look after the additional charge of the Commissioner of Payments for the purpose of performing the functions assigned to the Commissioner of Payments by or under the said Act with effect from the forenoon of the 20th April 1987 and until further orders.

[No. 11023/2/82-CA/Adm. 1]

RAMESH KUMAR, Director

नई दिल्ली, 5 जून, 1987

का. भा. 1247.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेवखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीचे सारणी के स्तम्भ (1) में उल्लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारी के समतुल्य अधिकारी हैं उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है और उक्त अधिकारी अपनी अपनी स्थानीय सीमाओं के भीतर उक्त सारणी के स्तम्भ (2) में विनिर्दिष्ट सरकारी स्थानों की बाबत उक्त अधिनियम द्वारा या उसके अधीन संपदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और अधिरोपित कर्तव्यों का पालन करेंगे।

सारणी

अधिकारी का पदनाम	सरकारी स्थानों के प्रबन्ध
1	2
1. उप क्षेत्र प्रबंधक/अधिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि. जमुनाकोतमा ग्रुप, रेल स्टेशन कोतमा, दक्षिण	निम्नलिखित सभी परिसर (1) कोतमा (2) गोविन्दा (3) जमुना कोयला खान जिसमें जमुना 1 और 2 जमुना 3

1

पूर्व रेल, डाकघर जमुना कोलियरी, जिला गढ़डोल (मध्य प्रदेश)

2

और 4 जमुना 7 और 8 तथा जमुना 9 और 10 खान सम्मिलित हैं, (4) भद्रा (5) जमुना विद्युत खान और साउथ ईस्टर्न कोलफील्ड्स लि. बिलासपुर के या उसके नियंत्रण के अधीन अन्य परिसर।

2. उप क्षेत्र प्रबंधक/अधिकर्ता/परियोजना अधिकारी, साउथ ईस्टर्न कोलफील्ड्स लि. जोहिला ग्रुप, रेल स्टेशन तवरोजाबाद कोलियरी, जिला गढ़डोल (मध्य प्रदेश),

निम्नलिखित सभी परिसर : (1) तवरोजाबाद (2) उमरिया (3) बीर सिंह पुर और (4) पाली भूमिगत कोयला खान और साउथ ईस्टर्न कोलफील्ड्स लि. बिलासपुर के या उसके नियंत्रण के अधीन अन्य परिसर।

3. उप क्षेत्र प्रबंधक/अधिकर्ता/परियोजना अधिकारी साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, बुरहुर ग्रुप, रेल स्टेशन भमलाई दक्षिण पूर्व रेल डाकघर धानपुरी, जिला गढ़डोल (मध्य प्रदेश)

निम्नलिखित सभी परिसर : (1) बुरहुर सं. 1 खान (2) बुरहुर सं. 1 खान की अमेरिकन पेपर मिल भानति (3) धानपुरी भूमिगत खान और (4) बुरहुर सं. 3 कोयला खान और साउथ ईस्टर्न कोलफील्ड्स लि. बिलासपुर के या उसके नियंत्रण के अधीन अन्य परिसर।

4. उप क्षेत्र प्रबंधक/अधिकर्ता/परियोजना अधिकारी साउथ ईस्टर्न कोलफील्ड्स लि. धनपुरी भमलाई ग्रुप, रेल स्टेशन भमलाई दक्षिणपूर्व रेल, डाकघर भमलाई कोलियरी जिला गढ़डोल (मध्य प्रदेश)

निम्नलिखित सभी परिसर : (1) धनपुरी विद्युत खान (2) भमलाई (3) भमलाई विद्युत खान (4) बगवाड भूमिगत खान और (5) बाखी विद्युत खान और साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, बिलासपुर के या उसके नियंत्रण के अधीन अन्य परिसर।

5. उपक्षेत्र प्रबंधक/अधिकर्ता/परियोजना अधिकारी साउथ ईस्टर्न कोलफील्ड्स लि., चर्वाई ग्रुप रेल स्टेशन भमलाई दक्षिण पूर्व रेल, डाकघर भमलाई कोलियरी जिला गढ़डोल (मध्य प्रदेश)

निम्नलिखित सभी परिसर : (1) चर्वाई भूमिगत खान और (2) रंगटा कोयला खान और साउथ ईस्टर्न कोलफील्ड्स लि. बिलासपुर के या उसके नियंत्रण के अधीन अन्य परिसर।

6. उपक्षेत्र प्रबंधक/अधिकर्ता/परियोजना अधिकारी साउथ ईस्टर्न कोलफील्ड्स लि. दक्षिणी भागराखंड रेल स्टेशन मनेन्द्रगढ़ डाकघर दक्षिण भागराखंड कोलियरी जिला मरगुजा (मध्य प्रदेश)

दक्षिण भागराखंड कोयला खान के सभी परिसर और साउथ ईस्टर्न कोलफील्ड्स लि. बिलासपुर के या उसके नियंत्रण के अधीन अन्य परिसर

7. उपक्षेत्र प्रबंधक/अधिकर्ता/परियोजना अधिकारी साउथ ईस्टर्न कोलफील्ड्स लि. पश्चिम भागराखंड ग्रुप रेल स्टेशन मनेन्द्रगढ़ डाकघर पश्चिम भागराखंड कोलियरी जिला मरगुजा (मध्य प्रदेश)

पश्चिम भागराखंड और 'बी' मंस्तर कोयला खान के सभी परिसर और साउथ ईस्टर्न कोलफील्ड्स लि. बिलासपुर के या उसके नियंत्रण के अधीन अन्य परिसर।

8. उपक्षेत्र प्रबंधक/अधिकर्ता/परियोजना अधिकारी साउथ ईस्टर्न कोलफील्ड्स लि. रामनगर ग्रुप रेल

रामनगर (जिसके अंतर्गत मलगा शाल्मि भी है) और मोल्ड और कोयला खान के सभी परिसर और साउथ

[illegible]

1	2	1	2
28. उपक्षेत्र प्रबंधक/अधिकर्ता/परियोजना अधिकारी साउथ ईस्टर्न कोलफील्ड्स लि. बिपका कोयला खान के सभी परिसर और साउथ ईस्टर्न कोलफील्ड्स लि. बिपका, डाकघर गेवरा बिलासपुर के या उसके नियंत्रण के परियोजना, रेल स्टेशन गेवरा रोड, अधीन अन्य परिसर जिला बिलासपुर, मध्य प्रदेश		37. उपक्षेत्र प्रबंधक/अधिकर्ता/परियोजना अधिकारी साउथ ईस्टर्न कोलफील्ड्स लि. भरतपुर विवृत्त लि. बिलासपुर के या उसके नियंत्रण के परियोजना रेल स्टेशन तलचौर दक्षिण पूर्व रेल, डाकघर बलंडा जिला डेणकनाल (उड़ीसा)	भरतपुर विवृत्त कोयला खान के सभी परिसर और साउथ ईस्टर्न कोलफील्ड्स लि. बिलासपुर के या उसके नियंत्रण के अधीन अन्य परिसर
29. उपक्षेत्र प्रबंधक/अधिकर्ता/परियोजना अधिकारी साउथ ईस्टर्न कोलफील्ड्स लि. रामपुर धूम, रेल स्टेशन बजराजनगर, डाकघर रामपुर कोलियरी, बजराजनगर जिला सम्बलपुर (उड़ीसा)	1. हिरौर रामपुर कोयला खान और 2. होराखंड बुंदिया भ्रानति के सभी परिसर और साउथ ईस्टर्न कोलफील्ड्स लि. बिलासपुर के या उसके नियंत्रण के अधीन अन्य परिसर।	38. उपक्षेत्र प्रबंधक/अधिकर्ता/परियोजना अधिकारी साउथ ईस्टर्न कोलफील्ड्स लि. जगन्नाथ विवृत्त लि. बिलासपुर के या उसके नियंत्रण के परियोजना रेल स्टेशन तलचौर दक्षिण पूर्व रेल, डाकघर बलंडा जिला डेणकनाल, (उड़ीसा)	जगन्नाथ विवृत्त कोयला खान के सभी परिसर और साउथ ईस्टर्न कोलफील्ड्स लि. बिलासपुर के या उसके नियंत्रण के अधीन अन्य परिसर
30. उपक्षेत्र प्रबंधक/अधिकर्ता/परियोजना अधिकारी साउथ ईस्टर्न कोलफील्ड्स लि. ओरियंट ग्रुप सं. 1 रेल स्टेशन बजराजनगर, डाकघर ओरियंट कोलियरी बजराजनगर, जिला सम्बलपुर (उड़ीसा)	ओरियंट उपक्षेत्र सं. 1 अर्थात् खान सं. 1 और 11 कोयला खान के सभी परिसर और साउथ ईस्टर्न कोलफील्ड्स लि. बिलासपुर के या उसके नियंत्रण के अधीन अन्य परिसर	39. उपक्षेत्र प्रबंधक/अधिकर्ता/परियोजना अधिकारी साउथ ईस्टर्न कोलफील्ड्स लि. अनन्ता विवृत्त लि. बिलासपुर के या उसके नियंत्रण के परियोजना, रेल स्टेशन तलचौर दक्षिण पूर्व रेल, डाकघर डेरा कोलियरी जिला डेणकनाल, (उड़ीसा)	अनन्ता विवृत्त कोयला खान के सभी परिसर और साउथ ईस्टर्न कोलफील्ड्स लि. बिलासपुर के या उसके नियंत्रण के अधीन अन्य परिसर
31. उपक्षेत्र प्रबंधक/अधिकर्ता/परियोजना अधिकारी साउथ ईस्टर्न कोलफील्ड्स लि. ओरियंट ग्रुप सं. 11 रेल स्टेशन बजराजनगर, डाकघर ओरियंट कोलियरी बजराजनगर, जिला सम्बलपुर (उड़ीसा)	ओरियंट उपक्षेत्र सं. 11 अर्थात् सं. III और सं. IV कोयला खान के सभी परिसर और साउथ ईस्टर्न कोलफील्ड्स लि. बिलासपुर के या उसके नियंत्रण के अधीन अन्य परिसर	40. उपक्षेत्र प्रबंधक/अधिकर्ता/परियोजना अधिकारी साउथ ईस्टर्न कोलफील्ड्स लि. लिंगराज विवृत्त लि. बिलासपुर के या उसके नियंत्रण के परियोजना रेल स्टेशन तलचौर दक्षिण पूर्व रेल, डाकघर डेरा कोलियरी जिला डेणकनाल, (उड़ीसा)	लिंगराज विवृत्त कोयला खान के सभी परिसर और साउथ ईस्टर्न कोलफील्ड्स लि. बिलासपुर के या उसके नियंत्रण के अधीन अन्य परिसर
32. उपक्षेत्र प्रबंधक/अधिकर्ता/परियोजना अधिकारी साउथ ईस्टर्न कोलफील्ड्स लि. लाजपुरा, रेल स्टेशन बजराजनगर, डाकघर बजराजनगर, जिला सम्बलपुर उड़ीसा	लाजपुरा के सभी परिसर और साउथ ईस्टर्न कोलफील्ड्स लि. बिलासपुर के या उसके नियंत्रण के अधीन अन्य परिसर	41. उपक्षेत्र प्रबंधक/अधिकर्ता/परियोजना अधिकारी साउथ ईस्टर्न कोलफील्ड्स लि. नन्दिरा कोयला खान के सभी परिसर और साउथ ईस्टर्न कोलफील्ड्स लि. नन्दिरा कोलियरी बिलासपुर के या उसके नियंत्रण के रेल स्टेशन तलचौर दक्षिण पूर्व रेल, डाकघर बलंडा जिला, डेणकनाल, (उड़ीसा)	नन्दिरा कोयला खान के सभी परिसर और साउथ ईस्टर्न कोलफील्ड्स लि. बिलासपुर के या उसके नियंत्रण के अधीन अन्य परिसर।
33. उपक्षेत्र प्रबंधक/अधिकर्ता/परियोजना अधिकारी साउथ ईस्टर्न कोलफील्ड्स लि. बेलपहाड़, रेल स्टेशन बेलपहाड़, डाकघर जूरा बागा जिला सम्बलपुर (उड़ीसा)	बेलपहाड़ के सभी परिसर और साउथ ईस्टर्न कोलफील्ड्स लि. बिलासपुर के या उसके नियंत्रण के अधीन अन्य परिसर		
34. उपक्षेत्र प्रबंधक/अधिकर्ता/परियोजना अधिकारी साउथ ईस्टर्न कोलफील्ड्स लि. तालचौर कोलियरी रेल स्टेशन तालचौर, दक्षिण पूर्व रेल डाकघर डेरा कोलियरी, जिला डेणकनाल, (उड़ीसा)	तालचौर कोयला खान के सभी परिसर और साउथ ईस्टर्न कोलफील्ड्स लि. बिलासपुर के या उसके नियंत्रण के अधीन अन्य परिसर		
35. उपक्षेत्र प्रबंधक/अधिकर्ता/परियोजना अधिकारी साउथ ईस्टर्न कोलफील्ड्स लि. दिवूलबेड़ा ग्रुप, रेल स्टेशन तलचौर, दक्षिण पूर्व रेल, डाकघर दिवूलबेड़ा, जिला डेणकनाल (उड़ीसा)	1. दिवूलबेड़ा और 2. हंडीधुमा कोयला खान के सभी परिसर और साउथ ईस्टर्न कोलफील्ड्स लि. बिलासपुर के या उसके नियंत्रण के अधीन अन्य परिसर		
36. उपक्षेत्र प्रबंधक/अधिकर्ता/परियोजना अधिकारी साउथ ईस्टर्न कोलफील्ड्स लि. दक्षिणी बलंडा कोलियरी रेल स्टेशन तलचौर दक्षिण पूर्व रेल डाकघर बलंडा, जिला डेणकनाल, उड़ीसा।	दक्षिणी बलंडा कोयला खान और साउथ ईस्टर्न कोलफील्ड्स लि. बिलासपुर के या उसके नियंत्रण के अधीन अन्य परिसर।		

[सं. 43022/3/87- सी. ए.]
समय सिंह, भवर सचिव

New Delhi, the 5th June, 1987

S.O. 1547.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being Officers equivalent to the rank of the Gazetted Officers of Government to be estate officers for the purposes of the said Act and the said officers shall exercise the powers conferred and perform the duties imposed on estate officers by or under the said Act, within the local limits of their respective jurisdiction in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the officer	Categories of public premises
1	2
1. Sub-Area Manager/Agent/Project officer, South Eastern Coal-fields Limited, Jamuna-Kotma, Group,	All premises of (1) Kotma (2) Govinda (3) J a muna Coal mine consisting of Jamuna 1&2, Jamuna 3&4, Jamuna 7&8 and Jamuna

1	2	1	2
Railway station Kotma, SE. Rly. PO. Jamuna Colliery, District Shahdol, (M.P.)	9&10 mine (4) Bhadra (5) Jamuna Opencast mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.	Railway Station, Manendragarh, PO. West Jhagrakhand Colliery, District Surguja, (Madhya Pradesh).	
2. Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields Limited, Johilla Group, Railway Station Nowrozabad, SE Rly. PO. Nowrozabad Colliery District Shahdol, (Madhya Pradesh).	All premises of (1) Nowrozabad (2) Umaria (3) Birsinghpur and (4) Pali underground Coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.	8. Sub-Area Manager/ Agent/ Project Officer, South Eastern Coalfields Limited, Ramnagar group, Railway Station Bijuri, PO. Jhimar Colliery, Via Bijuri, District Shahdol, (Madhya Pradesh).	All premises of Ramnagar (including Malga incline) and (2) old Jhimar Coal mines and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
3. Sub-Area Manager/ Agent/Project Officer/ South Eastern Coalfields Limited, Burhar Group, Railway Station Amlai, SE. Rly. PO. Dhanpuri, District Shahdol, (Madhya Pradesh).	All premises of (1) Burhar No. 1 mine (2) Orient paper mill incline of Burhar No. 1 mine (3) Dhanpuri underground mine and (4) Burhar No. 3 Coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.	9. Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields Limited, Rajnagar group, Railway Station Bijuri, PO. Rajnagar Colliery, District Shahdol, (Madhya Pradesh).	All premises of (1) Rajnagar (2) New Rajnagar and (3) Rajnagar 7&8 Coal Mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
4. Sub-Area Manager/ Agent/Project Officer/ South Eastern Coalfields Limited, Dhanpuri-Amlai group, Railway Station Amlai, SE. Rly. PO. Amlai, Colliery, District Shahdol, (Madhya Pradesh).	All premises of (1) Dhanpuri Opencast mine (2) Amlai (3) Amlai Opencast mine (4) Bangwar underground mine and (5) Bakho opencast Coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.	10. Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields Limited, Rajnagar group, Railway Station Bijauri, PO. Rajnagar Colliery, District Shahdol, (Madhya Pradesh).	All premises of Rajnagar Opencast Coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
5. Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields Limited, Chachai Group, Railway Station Amlai, SE. Rly. PO. Amali, Colliery, District Shahdol, (Madhya Pradesh).	All premises of (1) Chachai underground mine and (2) Rungta Coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.	11. Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields Limited, Bijuri, PO. Bijuri, Railway Station Bijuri, (Madhya Pradesh).	All premises of Bijuri Coal Mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
6. Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields Limited, South Jhagrakhand, Railway Station Manendragarh, PO. South Jhagrakhand Colliery, Distt. Surguja (Madhya Pradesh).	All premises of South Jhagrakhand Coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.	12. Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields Limited, Kurasia group, Railway Station Chirimiri, PO. Kurasia Colliery, District Surguja, (Madhya Pradesh).	All premises of (1) Kurasia underground (2) Kurasia Opencast and (3) Sonawani Coal mines and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
7. Sub-Area Manager/ Agent/ Project Officer, South Eastern Coalfields Limited, West Jhagrakhand group,	All premises of West Jhagrakhand and 'B' seam coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.	13. Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields Limited, Chirimiri group, Railway Station Chirimiri, PO. Chirimiri, District Surguja, (Madhya Pradesh).	All premises of (1) Chirimiri underground & (2) Chirimiri Opencast Coal mines and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.

1	2	1	2
14. Sub-Area Manager/ Agent/Project Officer, South Eastern Coal- fields Limited, Dumanhill group, Railway Station Chirimiri, PO. Sonawani, District Surguja, (Madhya Pradesh).	All premises of (A) Dumanhill underground (2) Dumanhill Open cast and (3) North Chirimiri coal mines and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.	Limited, Churcha, Railway Station Baikunthpur Road, SE Rly, PO Churcha, District Surguja, (Madhya Pradesh)	control of the South Eastern Coalfields Limited, Bilaspur
15. Sub-Area Manager/ Agent/Project Officer, South Eastern Coal- fields Limited, New Chirimiri Ponri Hill Railway Station Chirimiri, PO, Hadibadi District (Madhya Pradesh).	All premises of New Chirimiri Ponri Hill coal mine and other premises belonging to or under the control of the South Eastern Coal fields Limited, Bilaspur.	21. Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields Limited, Rajgamar, Railway Station Korba, PO Ompur Colliery, District Bilaspur (Madhya Pradesh)	All premises of (1) Korba (2) Rajgamar (3) Domnara and (4) Baroud and other pre- mises belonging to or under the control of the South Eastern Coalfields Limited. Bilaspur
16. Sub-Area Manager/ Agent/Project Officer, South Eastern Coal- fields Limited, West Chirimiri Korea group, Railway Station Chirimiri, PO. Korea Colliery, District Surguja, (Madhya Pradesh).	All premises of (1) Korba coal mine and (2) west Chirimiri coal mines and other pre- mises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.	22. Sub-Area Manager/ Agent/Project Officer South Eastern Coalfields- Limited, Manikpur, Railway Station Korba, PO Manikpur Colliery, District Bilaspur, (Madhya Pradesh)	All premises of Manikpur coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
17. Sub-Area Manager/ Agent/Project Officer, South Eastern Coal- fields Limited, Bisrampur group, Railway Station Bisrampur, SE. Rly., PO. Bisrampur Colliery, District Surguja, (Madhya Pradesh).	All premises of (1) Bisrampur Open cast mine (2) Jainagar (old & new) underground mine (3) Kumda (old and new) underground coal mines and other premises belong- ing to or under the control of the South Eastern Coalfields Limited, Bilaspur.	23. Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields Limited, Banki, Railway Station Gevra Road, PO Banki Mogra, District Bilaspur, (Madhya Pradesh)	All premises of Banki coal mine and other premises belong- ing to or under the control of the South Eastern Coal- fields Limited, Bilaspur
18. Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields Limited, Bhatgaon, Railway Station, Karonjee SE Rly., PO Bhatgaon Colliery, District Surguja, (Madhya Pradesh)	All premises of Bhatgaon Coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur	24. Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields Limited, Surakachar, Railway Station Gevra Road, PO Banki Mogra, District Bilaspur, (Madhya Pradesh)	All premises of Surakachar coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur
19. Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields- Limited, Katkona, Railway Station- Katkona, SE Rly. PO Patna, District Surguja, (Madhya Pradesh)	All premises of Katkona coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur	25. Sub-Area Manager/ Agent/Project Officer. South Eastern Coalfields Limited, Balgı, Railway Station Gevra Road, PO Banki Mogra, District Bilaspur, (Madhya Pradesh)	All premises of Balgi coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur
20. Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields-	All premises of Churcha Coal mine and other premises belonging to or under the	26. Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields Limited, Gevra,	All premises of Gevra coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur

1	2	1	2
	PO Gevra Project, Railway Station Gevra Road, District Bilaspur. (Madhya Pradesh)	Limited, Lajkura, Railway Station Brajrajnagar, PO. Brajrajnagar, District Sambalpur. (Orissa).	South Eastern Coalfields Limited, Bilaspur.
27.	Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields Limited, Kusmunda, PO Kusmunda, Railway Station Gevra Road, District Bilaspur, (Madhya Pradesh).		All premises of Kusmunda coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur
28.	Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields Limited, Dipka, PO. Gevra Project, Railway Station Gevra Road, District Bilaspur, (Madhya Pradesh)		All premises of Dipka Coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
29.	Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields Limited, Rampur group, Railway Station Brajrajnagar, PO. Rampur Colliery, Brajrajnagar, District Sambalpur, (Orissa).		All premises of (1) Hingir Rampur coal mine and (2) Hirakhand-Bundia Incline and other premises belong- ing to or under the control of the South Eastern Coal- fields Limited, Bilaspur.
30.	Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields Limited, Orient group No. I, Railway Station Brajrajnagar, PO. Orient Colliery, Brajrajnagar, District Sambalpur, (Orissa).		All premises of Orient Sub-Area No. I mine No. I and II coal mine and other Premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
31.	Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields Limited, Orient group No. II, Railway Station Brajrajnagar, PO. Orient Colliery, Brajrajnagar, District Sambalpur, (Orissa).		All premises of Orient Sub- Area No. II, ie No. III and No. IV coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
32.	Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields		All premises of Lajkura and other premises belonging or under the control of the
			Limited, Lajkura, Railway Station Brajrajnagar, PO. Brajrajnagar, District Sambalpur. (Orissa).
33.	Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields Limited, Belpahar, Railway Station Belpahar, PO. Jurabaga, District Sambalpur, (Orissa).		All premises of Belpahar and other premises belonging to or under the control of the South Eastern Coal fields Limited, Bilaspur.
34.	Sub-Area Manager, Agent/Project Officer, South Eastern Coalfields Limited, Talcher Colliery, Railway Station Talcher, SE. Rly, PO. Dera Colliery, District Dhenkanal, (Orissa).		All premises of Talcher coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited Bilaspur.
35.	Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields Limited, Deulbera group, Handidhwa, Railway Station Talcher, SE. Rly., PO. Deulbera, District Dhenkanal, (Orissa).		All premises of (1) Deulbera and (2) Handidhwa coal mines and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilas- pur.
36.	Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields Limited, South Balanda Colliery, Railway Station Talcher, SE. Rly., PO. Balanda, District Dhenkanal, (Orissa).		All premises of South Balanda coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
37.	Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields Limited, Bharatpur Opencast Project, Railway Station Talcher, SE. Rly., PO. Balanda, District Dhenkanal, (Orissa).		All premises of Bharatpur Open-cast coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.

1	2
38. Sub-Area Manager/ Agent Project Officer, South Eastern Coalfields Limited, Jagannath Opencast Project, Railway Station Talcher, SE. Rly. PO. Balanda, District Dhenkanal, (Orissa).	All premises of Jagannath Opencast coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
39. Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields Limited, Ananta Opencast Pro- ject, Railway Station Talcher, SE. Rly. PO. Dera Colliery, District Dhenkanal, (Orissa)	All premises of Ananta Open- cast coal mine and other premises belonging to or under the control of the South Eastern Coalfields Limited, Bilaspur.
40. Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields Limited, Lingraj Opencast Project, Railway Station Talcher, SE. Rly., PO. Dera Colliery, District Dhenkanal, (Orissa).	All premises of Lingraj Open- cast coal mine and other premises belonging to or under the control of the South Eastern Coal- fields Limited, Bilaspur.
41. Sub-Area Manager/ Agent/Project Officer, South Eastern Coalfields Limited, Nandira Colliery, Railway Station Talcher, SE. Rly, PO. Balanda, District Dhenkanal, (Orissa).	All premises of Nandira coal mine and other premises belonging to or under the control of the South Eas- tern Coalfields Limited, Bilaspur.

[F. No. 43022/3/87—CA]
SAMAY SINGH, Under Secy.

जल-मूल परिवहन मंत्रालय

(नौवहन महानिदेशालय)

बम्बई, 5 जून, 1987

आदेश

(वाणिज्य पोत परिवहन)

का. प्र. 1548.—वाणिज्य पोत परिवहन अधिनियम, 1958
(1958 का 44) की धारा 7 की उप धारा (3) द्वारा प्रदत्त शक्तियों
का प्रयोग करते हुए और भारत सरकार, जल मूल परिवहन मंत्रालय की

अधिष्ठापना का. प्र. 3144 दिनांक 17 दिसम्बर, 1960 के अधीन
नौवहन महानिदेशक, केन्द्रीय सरकार, के पूर्व अनुमोदन से एतद्वारा निवेद
देने हैं कि नीचे की सारणी के स्तम्भ (1) में विनिर्दिष्ट, उक्त अधिनियम
के उपबंधों द्वारा या अधीन जो उन्हें प्राधिकार की शक्ति प्रदत्त की है या
उनका प्रत्यायोजन किया है, जैसा मामला हो, विनिर्दिष्ट अधिकारियों की
इस सारणी के स्तम्भ (2) में अनुरूप प्रविष्टियाँ की जाएंगी।

सारणी

वाणिज्य पोत परिवहन अधिनियम, 1958 के
उपबंध

अधिकारी

(1)	(2)
79(2), 81, 83, 226, 227(1) (सी), 228, 229, 230, 235(1) (3), 297, 298(2), 298 (2ए), 299ए(1), 299 ए (2), 310 (3), 312(2)(बी), 316(2) (3) (1), 317(2) (3) (4) (5), 321, 323(5), 328(1), 454 ए, 456	मुख्य सर्वेक्षक नौटिकल सलाहकार
42(1)	उप नौवहन महानिदेशक
426	नौटिकल सलाहकार, भारत सरकार

[फाइल सं. 6--एस एल (1)/86]
प्रवीण सिंह, नौवहन महानिदेशक

MINISTRY OF SURFACE TRANSPORT

(Directorate General of Shipping)

Bombay, the 5th June, 1987

ORDER

MERCHANT SHIPPING

S.O. 1548.—In exercise of the powers conferred by sub-section (3) of section 7 of the Merchant Shipping Act, 1958 (44 of 1958), the Director-General, with the previous approval of the Central Government, hereby directs that the powers delegated to him under the notification of Government of India in the Ministry of Surface Transport No. S.O. 3144, dated the 17th December, 1960 in respect of the provisions of the said Act specified in column (1) of the table below shall also be exercised or, as the case may be, discharged by the officers specified in the corresponding entry in column (2) of the said table :

TABLE

Provisions of the Merchant Shipping Act, 1958	Officers
(1)	(2)
79(2), 81, 83, 226, 227 (1)(c), 228, 229, 230, 235 (1) (3), 297, 298, (2), 298 (2A), 299A (1), 299A(2), 310	Chief Surveyor Nautical Adviser

(3) 312(2)(b), 316(2)(3)(4), 317(2) (3)(4)(5) 321, 323(5), 328(1), 454A, 456. 42(1)	Deputy Director General of shipping	426	Nautical Adviser to the Govt. of India. [F.No. 6-SL(1)/86] PARVEEN SINGH, Director Gen. of Shipping.
--	--	-----	---

नागर विमानन मंत्रालय

नई दिल्ली, 20 मार्च, 1987

आदेश

का. प्रा. 1549.—केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और शर्तों) नियम, 1965 के नियम 4 के उप नियम (2), नियम 12 के उप नियम (2) के खंड (ख) और नियम 24 के उप नियम (1) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए, और भारत सरकार, पर्यटन और नागर विमानन मंत्रालय के दिनांक 20 जुलाई, 1978 के सांविधिक आदेश सं. 2326 का अधिक्रमण करते हुए, राष्ट्रपति जी यह निवेदन देते हैं, कि:—

- (1) इस आदेश से संलग्न अनुसूची के भाग-1 के खाना (1) में विनिर्दिष्ट सामान्य केन्द्रीय सेवा समूह के पदों के संबंध में, खाना (2) में विनिर्दिष्ट प्राधिकारी, नियोक्ता प्राधिकारी होंगे और खाना (4) में विनिर्दिष्ट दंडों के संबंध में, खाना (3) में विनिर्दिष्ट प्राधिकारी, अनुशासन प्राधिकारी होंगे; तथा
- (2) उक्त अनुसूची के भाग-II और III के खाना (1) में विनिर्दिष्ट सामान्य केन्द्रीय सेवा समूह और सामान्य केन्द्रीय सेवा समूह में के संबंध में खाना (2) में विनिर्दिष्ट प्राधिकारी, नियोक्ता प्राधिकारी होंगे और खाना (4) में विनिर्दिष्ट दंडों के संबंध में, खाना (3) और (5) में विनिर्दिष्ट प्राधिकारी क्रमशः अनुशासन प्राधिकारी और श्रवणीय प्राधिकारी होंगे।

अनुसूची

भाग I—सामान्य केन्द्रीय सेवा समूह "ख"

पद का विवरण	नियोक्ता प्राधिकारी	दंड अधिरोपित करने के लिए सक्षम प्राधिकारी, जिन्हें वह अधिरोपित कर सकता है (नियम 11 में दी गई मद संख्या के संदर्भ में) प्राधिकारी	दंड	
(1)	(2)	(3)	(4)	(5)
नागर विमानन विभाग				
सभी पद	नागर विमानन के महानिदेशक	नागर विमानन के महानिदेशक नागर विमानन के उप महानिदेशक	समस्त (1) से (4)	समस्त

भाग II—सामान्य केन्द्रीय सेवा समूह "ग"

पद का विवरण	नियोक्ता प्राधिकारी	दंड अधिरोपित करने के लिए सक्षम प्राधिकारी और दंड जिन्हें वह अधिरोपित कर सकता है (नियम 11 में दी गई मद संख्या के संदर्भ में) प्राधिकारी	दंड	श्रवणीय प्राधिकारी
(1)	(2)	(3)	(4)	(5)
क. नागर विमानन विभाग				
मुख्यालय कार्यालय				
सभी पद	नागर विमानन के उप महानिदेशक	नागर विमानन के महानिदेशक	समस्त	नागर विमानन महानिदेशक
(1)	(2)	(3)	(4)	(5)

श्रवणीय और अन्य अधीनस्थ कार्यालय

सभी पद	निदेशक उड़नयोग्यता	नियंत्रक विमान सुरक्षा नियंत्रक/ उप निदेशक, उड़नयोग्यता निदेशक उड़नयोग्यता	(1) से (4) सभी	नागर विमानन के उप महानिदेशक
--------	--------------------	--	-------------------	-----------------------------

भाग III—सामान्य केन्द्रीय सेवाएं समूह "घ"

पद का विवरण	नियोजता प्राधिकारी	दंड अधिरोपित करने के लिए सक्षम प्राधिकारी और दंड जोड़ने के लिए अधिकारी (नियम 11 में दी गई मद संख्या के संदर्भ में)	अपीलीय प्राधिकारी
(1)	(2)	(3)	(4)
नागर विमानन विभाग (मुख्यालय कार्यालय)	उप निदेशक, प्रशासन	उप निदेशक, प्रशासन	समस्त
सभी पद	उड़नयोग्यता अधिकारी	उड़नयोग्यता अधिकारी	समस्त
क्षेत्रीय और अन्य			
अधीनस्थ कार्यालय			
	संबंधित विमान सुरक्षा अधिकारी	संबंधित विमान सुरक्षा अधिकारी	

टिप्पण :

- (1) यदि इस अनुसूची के खाना (1) में विनिर्दिष्ट कोई कर्मचारी, शासकीय राजपत्र में इस आदेश के प्रकाशन से पहले, खाना 2 में विनिर्दिष्ट प्राधिकारी से ऊंचे पद के किसी प्राधिकारी द्वारा नियुक्त किया गया है, तो उस कर्मचारी पर केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 के नियम 11 के खंड (5) से (9) में विनिर्दिष्ट कोई भी दंड, पहले उल्लिखित प्राधिकारी के अधीनस्थ किसी प्राधिकारी द्वारा अधिरोपित नहीं किया जायगा।

(सं. सी-30019/5/86-बी सी (बी ई/एस एफ एस))

एम. आई. सिंह, अवर सचिव

MINISTRY OF CIVIL AVIATION

New Delhi, the 20th March, 1987

ORDER

S.O. 1549—In exercise of the powers conferred by sub-rule(2) of rule 4, clause(b) of sub-rule(2) of rule 12 and sub-rule (1) of rule 24 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, and in supersession of the order of the Government of India, Ministry of Tourism and Civil Aviation No. S.O. 2326 dated the 20th July, 1978, the President hereby directs that—

- (1) in respect of the posts in the General Central Service Group B specified in column (1) of Part I of the Schedule annexed to this order, the authority specified in column (2) shall be the Appointing Authority and the authorities specified in column (3) shall be the Disciplinary Authorities in regard to the penalties specified in column (4); and
- (2) in respect of the posts in the General Central Service, Group C and the General Central Service Group D specified in column (1) of Parts II and III of the said Schedule, the authorities specified in column (2) shall be the Appointing Authorities and the authorities specified in columns (3) and (5) shall be the Disciplinary Authorities and the Appellate Authorities respectively in regard to the penalties specified in column (4).

SCHEDULE

Part I-General Central Service Group 'B'

Description of Post	Appointing authority	Authority competent to impose Penalties which it may impose (w.r.t. item Nos. in rule 11)	Penalties
(1)	(2)	(3)	(4)
Civil Aviation Department All Posts	Director General of Civil Aviation	Director General of Civil Aviation Deputy Director General of Civil Aviation.	All (i) to (iv)

Part II-General Central Services Group 'C'

Description of post	Appointing authority	Authority competent to impose penalties and penalties which it may impose (w.r.t.) (item No. in Rule 11)		Appellate Authority
		Authority	Penalties	
(1)	(2)	(3)	(4)	(5)
Civil Aviation Department				
(a) Headquarters Office All Posts	Deputy Director General of Civil Aviation	Deputy Director General of Civil Aviation	All	Director General of Civil Aviation
(1)	(2)	(3)	(4)	(5)
(b) Regional and other Subordinate offices				
All Posts	Director of Air worthiness	Controller of Air Safety Controller/Deputy Director of Airworthiness Director of Airworthiness	(i) to (iv) All	Deputy Director General of Civil Aviation

Part-III—General Central Services Group 'D'

Description of Post	Appointing authority	Authority Competent to impose penalties and penalties which it may impose (w.r.t.) (item No. in rule 11)		Appellate authority
		Authority	Penalties	
(1)	(2)	(3)	(4)	(5)
Civil Aviation Department (Head Quarters Office)				
All Posts	Deputy Director of Administration	Deputy Director of Administration	All	Deputy Director General of Civil Aviation
Regional and other Sub-ordinate offices	Airworthiness officer Air Safety Officer concerned	Airworthiness officer Air Safety Officer concerned	All	Director of Civil Aviation Director concerned

Note : (1) In case an employee specified in column (1) of this Schedule has been appointed prior to the publication of this Order in the Official Gazettes by an authority higher in rank to the authority specified in column 2, then no penalty specified in clauses (v) to (ix) of rule 11 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, shall be imposed upon that employee by any authority subordinate to the first mentioned authority.

[No. C. 30019/5/86-VC]

M. I. SINGH, Under Secy.

शहरी विकास मंत्रालय

नई दिल्ली, 2 जून, 1987

का. धा. 1550.—जबकि केन्द्रीय सरकार का अधोलिखित क्षेत्रों के बारे में दिल्ली की बुद्ध योजना में कुछ संशोधन करने का प्रस्ताव है, जिन्हें दिल्ली विकास अधिनियम 1957 (1957 का 61) जो धारा 44 के उपबन्धों के अनुसरण में दिनांक 4 अक्टूबर, 1986 को नोटिफ संख्या एफ. 20(14)/84-एम. पी. के साथ प्रकाशित किया था, जिसमें उक्त नोटिफ जारी होने की तिथि से 30 दिन के भीतर उक्त अधि नियम की धारा 11-ए की उपधारा (3) में प्रोव्जित शर्तियाँ/पुस्ताव आमंत्रित किए गए थे ;

और जबकि पूर्वोक्त संगोचनों के संबंध में कोई आपत्तियाँ/पुस्ताव प्राप्त नहीं हुए हैं ;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 11-ए की उपधारा (2) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए एन्डोरा विलो की बुद्ध योजना में भारत के राजपत्र में इस अधिसूचना के प्रकाशन की तिथि से निम्नलिखित संशोधन करती है, अर्थात् :—

संशोधन :

"जोन सी-12 में आने वाले 0.4 हेक्टा. (1 एकड़) क्षेत्र के भूमि उपयोग को "सरकारी उपयोग" से "संस्थागत" में बदला जाना प्रस्तावित है जो उत्तर और पूर्व में "सरकारी उपयोग" से, दक्षिण में 30.48 मी. चौड़े लिंक रोड (लिंक रोड से अलिपुर का जोड़ने वाले) से और पश्चिम में रियायतों उपयोग से घिरा हुआ है।"

[सं. के.-13011/12/86-डी. डी-IIए]

के. वी. एस. वारियर, डेस्क अधिकारी

MINISTRY OF URBAN DEVELOPMENT

New Delhi, the 2nd June, 1987

S.O. 1550.—Whereas certain modifications which the Central Government propose to make in the Master Plan for Delhi regarding the areas mentioned hereunder were published with notice No. F. 20(14)/84-MP dated 4th October, 1986 in accordance with the provisions of Section 44 of the Delhi Development Act, 1957 (61 of 1957) inviting objections/suggestions, as required by sub-section (3) of section 11-A of the said Act, within 30 days from the date of the said notice;

And whereas no objections or suggestions have been received with regard to the aforesaid modifications;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 11-A of the said Act, the Central Government hereby makes the following modifications in the said Master Plan for Delhi with effect from the date of publication of this notification in the Gazette of India, namely :—

Modifications :

"The land use of an area measuring 0.4 ha. (1 acre) bounded by Governmental use in the North and East, 30.48 mt. R/W Link Road (Linking Ring Road with Alipur Road) in the South and residential area in the West, falling in Zone C-12, is changed from 'Government use' to 'Institutional' "

[No. K-13011/12/86-DD-IIA]

K. V. S. WARRIOR, Desk Officer

अन्य मंत्रालय

नई दिल्ली, 2 जून, 1987

का. धा. 1551.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स खनिज गवेषण निगम लिमिटेड के कार्यालया प्रमाण सेमिनरी हिल नागपुर, के नियमित कर्मचारियों को उक्त अधिनियम के प्रवर्तन से प्रथम मई, 1987 से 30 सितम्बर, 1988 तक की जिसमें यह तारीख भी सम्मिलित है की एक वर्ष की अवधि के लिये छूट देती है।

उक्त छूट निम्नलिखित शर्तों के अधीन है, अर्थात् :—

(1) पूर्वोक्त कारखाना, जिसमें कर्मचारी नियोजित हैं, एक रजिस्टर रखेगा, जिसमें छूट प्राप्त कर्मचारियों के नाम और पदाभिधान दर्शित किये जायेंगे ;

(2) इस छूट के होते हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रसुविधाएं प्राप्त करते रहेंगे, जिनको पाने के लिये वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व संवत्त अधिदायों के आधार पर हकदार हो जाते;

(3) छूट प्राप्त अवधि के लिये यदि कोई अधिदाय पहले ही संवत्त किये जा चुके हैं तो वे वापस नहीं किये जायेंगे;

(4) उक्त कारखाने का नियोजक उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवृत्त था (जिसे इसमें इसके पश्चात् उक्त अवधि कहा गया है) ऐसी विवरणियाँ ऐसे प्ररूप में और ऐसी विधिप्रितियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थी;

(5) नियम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक या इस निमित्त प्राधिकृत निगम का कोई अन्य पदधारी,—

(1) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणी की विधिप्रितियों को सत्यापित करने के प्रयोजनों के लिये, या

(2) यह अधिनियमित करने के प्रयोजनों के लिये कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा गया अपेक्षित रजिस्टर और अधिलेख उक्त अवधि के लिये रखे गये थे या नहीं, या

(3) यह अधिनियमित करने के प्रयोजनों के लिये कि कर्मचारी, नियोजक द्वारा दी गई उन प्रसुविधाओं को, जो ऐसी प्रसुविधाएं हैं जिनके प्रतिफलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं; या

(4) यह अधिनियमित करने के प्रयोजनों के लिये कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं;

निम्नलिखित कार्य करने के लिये सशक्त होगा,—

(क) प्रधान नियोजक या अव्यवहित नियोजक से यह अपेक्षा करना कि वह उसे ऐसी जानकारी दे जो वह आवश्यक समझे, या

(ख) ऐसे प्रधान नियोजक या अव्यवहित नियोजक के अधिभोग में के कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके सारसाधक व्यक्ति से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी

के संदाय से संबंधित ऐसी लेखाबहियां और अन्य दस्तावेजों जैसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें या वह उसे ऐसी जानकारी दें जो वह आवश्यक समझे; या

(ग) प्रधान नियोजक या अन्यवर्हित नियोजक की, उसके अधिकारी या सेवक की या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाये, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या

(घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गये किसी रजिस्टर, लेखाबही या अन्य दस्तावेज की नकल करना या उससे उद्धरण लेना।

[एस-38014/15/86-एस.एस.-1]

संक्षेप

इस मामले में छूट की भूतलकी प्रभाव देना आवश्यक हो गया है क्योंकि छूट के आवेदन-पत्र देरी से प्राप्त हुआ था। किन्तु यह प्रमाणित किया जाता है कि छूट की भूतलकी प्रभाव देने से किसी भी व्यक्ति के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

MINISTRY OF LABOUR

New Delhi, the 2nd June, 1987

S.O. 1551.—In exercise of the powers conferred by section 88 read with section 91 A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the regular employees of the Workshop Division of the Mineral Exploration Corporation Limited, Seminary Hills, Nagpur from the operation of the said Act for a period one year with effect from 1st May, 1987 upto and inclusive of the 30th April, 1988.

The above exemption is subject to the following conditions, namely :—

- (1) The aforesaid factory wherein the employees are employed shall maintain a register showing the names and designations of the exempted employees;
- (2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;
- (3) The contributions for the exempted period, if already paid, shall not be refunded;
- (4) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (5) Any inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other official of the Corporation authorised in this behalf shall, for the purposes of—
 - (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
 - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or

(iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or

(iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory be empowered to—

(a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or

(b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee; or

(d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

[S-38014/15/86-SS I]

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case as the application for exemption was received late. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

क्र.सं. 1652.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स कोचीन शिपयार्ड कोचीन के नियमित कर्मचारियों को उक्त अधिनियम के प्रवर्तन से 1 जनवरी, 1987 से 30 अप्रैल, 1988 तक की जिसमें यह तारीख भी सम्मिलित है, की अवधि के लिये छूट देती है।

उक्त छूट निम्नलिखित शर्तों के अधीन है, अर्थात् :—

(1) उक्त कारखाना, जिसमें कर्मचारी नियोजित हैं, एक रजिस्टर रखेगा, जिसमें छूट प्राप्त कर्मचारियों के नाम और पदाभिधान दर्जित किये जायेंगे;

(2) इस छूट के होते हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रगतिधायी प्राप्त करते रहेंगे, जिनकी पाने के लिये वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व संवत् शक्तियों के आधार पर हक्कार हो जाते;

(3) छूट प्राप्त अवधि के लिये यदि कोई शक्तिधायी पहले ही संवत् किये, या चुके हैं तो वे वापस नहीं किये जायेंगे;

(4) उक्त कारखाने का निवांजक उक्त अधिनियम की धारा जिसके अन्तर्गत उक्त कारखाने पर उक्त अधिनियम प्रवृत्त था (जिसे धारा 88 के अन्तर्गत उक्त अधिनियम कहा गया है) ऐसी विवरणियां देते प्रवृत्त से और

और ऐसी विशिष्टियों सहित देनी जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थी;

(5) नियम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक या इस निमित्त प्राधिकृत नियम का कोई अन्य पदधारी,--

- (1) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणी की विशिष्टियों को सत्यापित करने के प्रयोजनों के लिये, या
- (2) यह अभिलिखित करने के प्रयोजनों के लिये कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेखा उक्त अवधि के लिये रखे गये थे या नहीं, या
- (3) यह अभिलिखित करने के प्रयोजनों के लिये कि कर्मचारी, नियोजक द्वारा दी गई उन प्रसुविधायी को, जो ऐसी प्रसुविधायी हैं जिनके प्रतिफलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकल और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं, या
- (4) यह अभिलिखित करने के प्रयोजनों के लिये कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं,

निम्नलिखित कार्य करने के लिये सशक्त होगा,--

- (क) प्रधान नियोजक या अव्यवहित नियोजक से यह अपेक्षा करना कि वह उसे ऐसी जानकारी दे जो वह आवश्यक समझे; या
- (ख) ऐसे प्रधान नियोजक या अव्यवहित नियोजक के अभिभाग में के कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके भारसाधक व्यक्ति से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संदान से संबंधित ऐसी लेखाबहियाँ और अन्य दस्तावेजों, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दे या वह उसे ऐसी जानकारी दे जो वह आवश्यक समझे; या
- (ग) प्रधान नियोजक या अव्यवहित नियोजक की, उसके अधिकर्ता या सेवक की या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाये, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या
- (घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गये किसी रजिस्टर, लेखाबही या अन्य दस्तावेज की नकल करना या उससे उद्धरण लेना।

[एस-38014/29/86-एस.एस.-I]

स्पष्टीकरण

— इस मामले में छूट को भूतलक्षी प्रभाव देना आवश्यक हो गया है क्योंकि छूट के आवेदन-पत्र पर कार्यवाही करने में समय लगा था। किन्तु यह प्रमाणित किया जाता है कि छूट को भूतलक्षी प्रभाव देने से किसी भी व्यक्ति के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

S.O. 1552.—In exercise of the powers conferred by section 88 read with section 91 A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the regular employees of the Cochin Shipyard Limited, Cochin from the operation of the said Act for a period with effect from 1st October, 1985 upto and inclusive of the 30th September, 1987.

The above exemption is subject to the following conditions, namely :—

- (1) The aforesaid factory wherein the employees are employed shall maintain a register showing the names and designations of the exempted employees;
- (2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;
- (3) The contributions for the exempted period, if already paid, shall not be refunded;
- (4) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (5) Any inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other official of the Corporation authorised in his behalf shall, for the purposes of—
 - (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
 - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
 - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
 - (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory be empowered to—
 - (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
 - (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
 - (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee; or
 - (d) make copies of or take extracts from, any register account book or other document maintained in such factory, establishment, office or other premises.

[S-38014/29/86-SS I]

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective affect to the exemption in this case as the application for exemption was received late. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

नई दिल्ली, 3 जून, 1987

New Delhi, the 3rd June, 1987

का.आ. 1543:—केन्द्रीय सरकार को यह प्रतीत होता है कि निम्न-लिखित स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उप-बन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध सम्बन्धित स्थापन को लागू किये जाने चाहिये:—

1. मैसर्स डोडबल्लपुर तालुक सिल्क विनिर्गम को-ऑपरेटिव सोसाइटी लिमिटेड, डोडबल्लपुर
2. मैसर्स रवि मेटल अल्युमीनियम रोलिंग मिल्स, कोलार
3. मैसर्स सिद्धल्लावाटा तालुक एग्रीकल्चरल प्रोड्यूस को-ऑपरेटिव मार्केटिंग सोसाइटी लिमिटेड, सिद्धल्लावाटा, कोलार कस्बा
4. मैसर्स गोरीविदानूर तालुक एग्रीकल्चरल प्रोड्यूस को-ऑपरेटिव मार्केटिंग सोसाइटी लिमिटेड, गोरीविदानूर, कोलार कस्बा
5. मैसर्स मालडेयर वादगा सर्विस को-ऑपरेटिव बैंक लिमिटेड, मालडेयर साऊथ कोर्ग
6. मैसर्स प्लास्टिकेज (प्राइवेट) लिमिटेड, इंडस्ट्रियल एरिया, भई-कामपदी, मंगलूर-II
7. मैसर्स बंगलूर स्पोक्स मैन्युफैक्चरिंग कम्पनी, मेघना स्टेट बैंकटला येलहंका, बंगलूर-64
8. मैसर्स पनोवा रबर इंडस्ट्रीज, बी-67, पीनिया इंडस्ट्रियल स्टेट, बंगलूर-58
9. मैसर्स प्रिमियर फास्तेनर्स, 63, 111 फेज पीनिया इंडस्ट्रियल एरिया, बंगलूर-58
10. मैसर्स सुरज इंटरप्राइजिज नं. 3 आर वी शेट्टी ले आउट, शेशाद्रीपुरम, बंगलूर-20
11. मैसर्स स्टी मैरी आर्टो गैरज नं. 14 मरफो रोड, उल्सूर बंगलूर-8
12. मैसर्स रेणुकाय्या एंड कम्पनी इंजीनियरिंग एंड कन्स्ट्रक्टर (इलेक्ट्रिक एंड सिविल) 579/23.3, क्रास महलक्ष्मी ले आउट, बंगलूर-86
13. मैसर्स येलीपुर मिलक प्रोड्यूसर को-ऑपरेटिव सोसाइटी लिमिटेड येलीपुर देवनहल्ली तालुक, बंगलूर कस्बा
14. मैसर्स यूनीवर्सल सिक्यूरिटी सर्विस 4, अन्नन्था टेम्पल बिल्डिंग, कालीदास रोड, बी.बी. मोहल्ला, मैसूर-2
15. मैसर्स बंगलूर स्टील ट्रांसपोर्ट कम्पनी नं. 2984 एच ए एच-II स्टेशन इन्डानगर, 12 मेन रोड, बंगलूर
16. मैसर्स नारासपुर तालुक सेरीकल्चरल कम-कामर्स वेल्स को-ऑपरेटिव सोसाइटी लिमिटेड, नारासपुर, कोलार कस्बा
17. मैसर्स सी एम इक्विपमेंट्स एंड इन्स्ट्रुमेंट्स (इंडिया) प्राइवेट लिमिटेड, बी-194 पीनिया-11 स्टेट इंडस्ट्रियल स्टेट, बंगलूर-58
18. मैसर्स ग्लान्ड प्राइवेट लिमिटेड, बी-10 जयभारत इंडस्ट्रियल स्टेट यशवंतापुर, बंगलूर-22 और इसका 6-3-862 श्रीराम हेटराबाद-16 स्थित मुख्य कार्यालय
19. मैसर्स हार्ड टैप कैमिकल्स (प्राइवेट) लिमिटेड, नं. 34 गांधीनगर चैती रोड, उल्सूर बंगलूर, और इसकी जे पी नगर, तीसरा फेज, बंगलूर-78 स्थित फैक्ट्री
20. मैसर्स बंगलूर आक्सीजन कम्पनी प्राइवेट, 10-ई, इंडस्ट्रियल एरिया II-फेज पीनिया बंगलूर-58 और इसका मार्गोवा-601 (गोवा) स्थित रजिस्टर्ड कार्यालय

अतः केन्द्रीय सरकार उक्त नियम की धारा 1, की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापनों को लागू करती है।

S.O. 1553.—Whereas it appears to the Central Government that the employers and the majority of employees in relation to the following establishments have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to their respective establishments, namely:—

1. M/S Dodballapur Taluk Silk Weaving Co-operative Society Limited, Dodballapur.
2. M/S Ravi Metal Aluminium Rolling Mills Kolar.
3. M/S Siddlaghatta Taluk Agricultural Produce Co-operative Marketing Society Limited, Siddlaghatta Kolar District.
4. M/S Gauribidanur Taluk Agricultural Produce Co-operative Marketing Society Limited, Gauribidanur, Kolar District.
5. M/S Maldare Badaga Service Co-operative Bank Limited, Maldare, South Coorg.
6. M/S Plastikage (Private) Limited, 21, Industrial Area, Baikampady, Mangalore-11.
7. M/S Bangalore Spokes Manufacturing Company, Meghana Estate Vekatala, Yelahanka, Bangalore-64.
8. M/S Panova Rubber Industries, B-67, Peenya Industrial Estate, Bangalore-58.
9. M/S Premier Fasteners, 63, III Phase, Peenya Industrial Area, Bangalore-58.
10. M/S Suraj Enterprises, No. 3, R. V. Shetty Layout, Seshadripuram Bangalore-20.
11. M/S St. Mary's Auto Garage, No. 14, Murphy Road, Ulsoor, Bangalore-8.
12. M/S Renukaradhya and Company, Engineers and Contractors (Elect and Civil) 579/25, 3rd Cross Mahalakshmi layout, Bangalore-86.
13. M/S Yeliyur Milk Producers Co-operative Society Limited, Yeliyur Devanahally Taluk, Bangalore District.
14. M/S Universal Security Services, 4, Anjaneya Temple Building Kalidasa Road, V. V. Mohalla, Mysore-2.
15. M/S Bangalore Steel Transport Company, No. 2984, HAL II Stage, Indiranagar, 12th Main Road, Bangalore.
16. M/S Narasapura Taluk Sericultural cum Farmers' Sales Co-operative Society Limited, Narasapura, Kolar District.
17. M/S C. M. Equipments and Instruments (India) Private Limited, B-194, Peenya II Stage, Industrial Estate, Bangalore-58.
18. M/S Gland Chemicals Private Limited, B-10, Jai Bharath Industrial Estate, Yeshwantpur Bangalore 22, including its head Office at 6-3-862, Ameerpet, Hyderabad-16.
19. M/S High Temp Chemicals (Private) Limited, No. 34, Gandhinagar Chetty Road, Ulsoor, Bangalore, including its Factory at J. P. Nagar, IIIrd Phase, Bangalore-78.
20. M/S Bangalore Oxygen Company Private Limited, 10-E, Industrial Area, II Phase, Peenya, Bangalore-58 including its Registered Office at Margao-601 (Goa).

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the above mentioned establishments.

का.प्रा. 1554:—केन्द्रीय सरकार को यह प्रतीत होता है कि निम्न-लिखित स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध संवन्धित स्थापन को लागू किये जाने चाहिये:—

1. मैसर्स ओरो फार्मेसिटिकल एंड जगतपुर न्यू इंडस्ट्रीयल स्टेट, जगतपुर, डिस्ट्रिक्ट कटाक-21
2. मैसर्स क्यूथार डिस्ट्रिक्ट को-ऑपरेटिव मिल्क प्रोड्यूसर यूनियन लिमिटेड क्यूथार-13 और इसकी 'सईकुआ' और पातोपुर जिला क्यूथार स्थित दो शाखाएं
3. मैसर्स दी इस्पात एलॉयज लिमिटेड बाल गोपालपुर पोस्ट ग्रामफिस स्कूलपुर बाया मित्रपुर जिला बाला सोर (उड़ीसा) और इसका 33ए जवाहरलाल नेहरू रोड, कलकत्ता स्थित प्रधान कार्यालय
4. मैसर्स नीको उड़ीसा लिमिटेड हैमिल्टन गार्डन बायी पाडा जिला मयूरगंज, उड़ीसा-1 और इसकी 2 हारेस्ट्रीड कलकत्ता-1 स्थित शाखा

अतः केन्द्रीय सरकार उक्त धारा नियम की धारा 1, की उप धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापनों को लागू करती है।

[संख्या एन-35019(13)/87-एन. एन.-2]

S.O. 1554.—Whereas it appears to the Central Government that the employers and the majority of employees in relation to the following establishments have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to their respective establishments, namely,

1. M/S Oro Pharmaceuticals at Jagatpur New Industrial Estate, Jagatpur District Cuttack-21.
2. M/S Keonjhar District Co-operative Milk Producers' Union Limited, Keonjhar-13 Orissa, including its branches at Ralsuan and Glasipura in district Keonjhar.
3. M/S The Isnat Alloys Limited, Balgopalpur Post Office Rasulpur Via Mitrapur District Belasoro (Orissa) including its Office at 33A Jawaharlal Nehru Road, Calcutta.
4. M/S Nicco Orissa Limited, Hamilton Garden Bariaada Sast Mayurbhanj, Orissa-I, including its branch at 2, Hare Street, Calcutta-I.

Now, therefore in exercise of the powers conferred by sub-section (4) of section 1 of the said Act the Central Government hereby applies the provisions of the said Act to the above mentioned establishments.

(S. 35019(13)/87-SS.II)

का.प्रा. 1555:—केन्द्रीय सरकार को यह प्रतीत होता है कि निम्न-लिखित स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध संवन्धित स्थापन को लागू किये जाने चाहिये:—

1. मैसर्स अशोका फाउन्डरी एंड इंजीनियरिंग वर्क्स 1-31, फतेहपुर, हैदराबाद-18
2. मैसर्स बा भाग्यनगर फार्मर्स सर्विस को-ऑपरेटिव सोसाइटी लिमिटेड, हाउस नं. 17-1-197 सईदाबाद, हैदराबाद
3. मैसर्स के जे बाकी स्ट्रक्चरल इंजीनियरिंग वर्क्स 58-8-302 श्रीनिलायाम बूटचिराजु पानम प्रकशन विशाखापट्टनम-6 और इसका कोचीन स्थित मुख्य कार्यालय

4. मैसर्स गोदावरी केमिकल इक्विपमेंट एंड इंटर प्राइविज 182 डी ब्लॉक आटो नगर विशाखापट्टनम-12 और इसकी हैदराबाद-34 स्थित शाखा

अतः केन्द्रीय सरकार उक्त धारा नियम की धारा 1, की उप धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापनों को लागू करती है।

[संख्या एन-35019(14)/87-एन. एन.-2]

S.O. 1555.—Whereas it appears to the Central Government that the employers and the majority of employees in relation to the following establishments have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to their respective establishments, namely,

1. M/S Ashoka Foundry and Engineering Works, 1-31, Fathenagar, Hyderabad-18.
2. M/S The Bhagyanagar Farmers Service Co-operative Society Limited, H. No. 17-1-197, Saidabad, Hyderabad.
3. M/S K. J. Chacko Structural Engineering Works, 58-1-302, Sreenilayam, Butchirajupalam Jn. Vizag-6 including its Head Office at Cochin.
4. M/S Godavari Chemical Equipment and Enterprises, 182 'D' Block Auto Nagar, Visakhapatnam-12, including its branch at Hyderabad-34.

Now therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the above mentioned establishments.

[S. 35019(14)/87-SS.II]

का.प्रा. 1556:—केन्द्रीय सरकार को यह प्रतीत होता है कि निम्न-लिखित स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध संवन्धित स्थापन को लागू किये जाने चाहिये:—

1. मैसर्स डी एम के कास्टिंग (प्राइवेट) लिमिटेड, 412 इंडस्ट्रीयल एरिया, "ए" सुधियाना-3
2. मैसर्स एनोमिस्टिड एनोमिस्टिड 2-1 इंडस्ट्रीयल रीड नैशर-2 परबानु (हिमाचल प्रदेश) और इसकी 1, श्री अरविश मार्ग नई दिल्ली-1 स्थित शाखा
3. मैसर्स पंजाब यूनाइटेड फोर्स लिमिटेड, गांव रेल मंजरा, कस्बा होशियारपुर, पंजाब और इसका एन सी ओ नं. 807-808 सेक्टर 22ए, जंजीगढ़-1 स्थित रजिस्टर्ड मुख्य कार्यालय
4. मैसर्स शिमला घाटीमोबाइल कच्ची घाटी, तारा देव, शिमला और इसकी नैरचीक 'मंडी' (हिमाचल प्रदेश) और कनाट प्लेस नई दिल्ली स्थित शाखा
5. मैसर्स ग्रैट मार्फेटिंग प्राइवेट लिमिटेड, 7 ग्रीन पार्क, जालंधर

अतः केन्द्रीय सरकार उक्त धारा नियम की धारा 1, की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापनों को लागू करती है।

[संख्या एन-35019(15)/87-एन. एन.-2]

ए.के. भट्टाचार्य, प्रवरसचिव

S.O. 1556.—Whereas it appears to the Central Government that the employers and the majority of employees in relation to the following establishments have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to their respective establishments, namely,

1. M/S D.M.K. Castings (Private) Limited, 412, Industrial Area, 'A' Ludhiana-3.
2. M/S Associated Ancillaries, 2-4, Industrial Shed Sector II Parwanoo (H.P.) including its branch at I Sri Aurobindo Marg, New Delhi.
3. M/S Punjab United Forge Limited Village Rail Malra, District Hoshiarpur (Punjab) including its Head Office at SCO No. 807/808 Sector-22-A Chandigarh.
4. M/S Simla Automobiles Kachi Ghati, Taranevi, Simla, including its branches at Nerchowk, Mandi (H.P.) and Connaught Place, New Delhi.
5. M/S Avet Marketing Private Limited, 7, Green Park, Jullundur.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section I of the said Act the Central Government hereby applies the provisions of the said Act to the above mentioned establishments.

[S. 35019(15)/87-SS.II]

A. K. BHATTARAI, Under Secy.

नई दिल्ली, 2 जून, 1987

का. भा. 1557:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व लोडना कोलियरी मैजर्स भारत कोकिंग कोल लि. के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच प्रमुख में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं 2 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-5-87 को प्राप्त हुआ था।

New Delhi, the 2nd June, 1987

S.O. 1557.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Lodna Colliery of M/s. Bharat Coking Coal Limited, and their workmen, which was received by the Central Government on the 26th May, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

Reference No. 300 of 1986

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

PARTIES:

Employers in relation to the management of Lodna Colliery of M/s. Bharat Coking Coal Limited, and their workmen.

APPEARANCES:

On behalf of the workmen: Shri H. N. Singh, General Secretary, Koyala Ispat Mazdoor Panchayat.

On behalf of the employers: Shri K. Kumar, Personnel Manager.

STATE : Bihar.
391 GI/87—6

INDUSTRY : Coal.

Dhanbad, the 18th May, 1987

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012 (26)/86-D.IV(B), dated, the 12th August, 1986.

THE SCHEDULE

"Whether the action of the management of Lodna Colliery of M/s. B.C.C. Ltd., P.O. Lodna, Dist. Dhanbad in not regularising the services of the workmen given in Annexure-A on the jobs mentioned against their names is justified? If so, to what relief the workmen are entitled?"

S/Sh.	Designation	At present working as
Barku Jaiswara	General Mazdoor	Helper
Ram Raj Koiri	-do-	-do-

In this case the workman filed their WS but the management did not file their WS. Thereafter a few adjournments were granted to the employers. Ultimately on 24-4-87 both the parties appeared before me and filed a Joint petition of compromise. I heard the parties on the said Joint petition of compromise and I do find that the terms contained therein are fair proper and beneficial to both the parties. Accordingly, I accept the same and pass an Award in terms of the said petition of compromise, which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer

(No. L-24012/26/86-D.IV(B))

ANNEXURE

BEFORE THE PRESIDING OFFICER.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
NO. 2 AT DHANBAD

Reference No. 300/86

PARTIES:

Employers in relation to the management of Lodna Colliery of Lodna Area of M/s. Bharat Coking Coal Ltd., P. O. Khari Teenagora, Distt. Dhanbad.

AND

Their workmen

The humble joint petition of compromise on behalf of the parties most respectfully sheweth:—

1. That the Central Government in the Ministry of Labour, New Delhi by notification No. L-24012(26)/86-D.IV(B) dated 12-8-86 has been pleased to refer the Industrial Dispute as per schedule noted below for an adjudication under section 10(1)(d)(2A) of the Industrial Disputes Act 1947 to this Honourable Tribunal.

THE SCHEDULE

"Whether the action of the management of Lodna Colliery of M/s. B.C.C. Ltd., P.O. Lodna, Dist. Dhanbad in not regularising the services of the workmen given in Annexure-A on the jobs mentioned against their names is justified? If so, to what relief the workmen are entitled?"

ANNEXURE-A

S/Sh.	Designation	At present working as
Barku Jaiswara	General Mazdoor	Helper
Rama Raj Koiri	General Mazdoor	Helper

2. That the parties discussed the matter mutually between themselves and have compromised the aforesaid Industrial

Dispute outside the Court on the following terms and conditions:—

(i) S/Sri Barku Jaiswara and Ramaraj Koiri, both of them, have been working as Helper in Category-II since long and they are being paid wages and other benefits accordingly. There is no dispute left over for adjudication.

(ii) The Union and the management both agreed to file a petition before the Honourable Industrial Tribunal requesting therein to pass a (no dispute) award.

3. This settles all the dispute between the parties and the aforesaid workmen concerned shall have no other claim or demand what-so-ever.

4. That this settlement is fair and proper.

5. That the parties request the Honourable Tribunal to kindly pass an Award in terms of the settlement.

6. It is, therefore, prayed that your Honour may be graciously pleased to accept the settlement as fair and proper and pass an Award in terms of the settlement and for this act of kindness the petitioner shall ever pray.

Representing Workmen

H. N. SINGH, President.

Kovla Ipat Mazdoor Panchayat.

REPRESENTING EMPLOYER

1. H. S. ARORA, General Manager,
Bharat Coking Coal Ltd., Lodna Area,
P.O. Khas Jeenagora, Distt. Dhanbad.

2. K. KUMAR, Personnel Manager,
Bharat Coking Coal Ltd., Lodna Area,
P.O. Khas Jeenagora, Distt. Dhanbad.

Witnesses:

1. A. K. BISWAS, Sr. P.O. Lodna.

2. Sukhran Passi

का. आ. 1558:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ब लोडना कोलियरी मैजर् भारत कोकिंग कोल लि. के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-5-87 को प्राप्त हुआ था।

S.O. 1558.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No 2, Dhanbad, as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Lodna Colliery of M/s. Bharat Coking Coal Limited, and their workmen, which was received by the Central Government on the 26th May, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

Reference No. 341 of 1986

In the matter of Industrial Dispute under Section 10 (1)(d) of the I.D. Act., 1947.

PARTIES:

Employers in relation to the management of Lodna Colliery of M/s. Bharat Coking Coal Ltd., and their workmen.

APPEARANCES:

On behalf of the workmen : Shri H. N. Singh, President,
Kovla Ipat Mazdoor Panchayat.

On behalf of the employers : Shri K. Kumar, Personnel Manager.

STATE : Bihar

INDUSTRY : Coal.

Dhanbad, the 18th May, 1987.

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(36) 86-D.IV(B), dated, the 7th October, 1986.

SCHEDULE

"Whether the action of the Management of Lodna Colliery of M/s. B.C.C. Ltd., P.O. Lodna, Distt. Dhanbad in not regularising the workmen given in Annexure-A below on the jobs mentioned against their names is justified? If so, to what relief the workmen are entitled?"

Annexure-A

Sl. No.	Name	Designation	At present working as
1.	Shri Karoo Singh	Genl. Mazdoor	Heavy Tyndal
2.	Shri Hiralal Nonia	-do-	-do-
3.	Shri Jugal Mahto	-do-	-do-
4.	Shri Gopal Rabidas	-do-	-do-
5.	Shri Dabi Prasad Mahto	-do-	-do-
6.	Shri Dharam Singh	-do-	Tyndal Jamadar

In this case name of the parties filed their W.S. Thereafter several adjournments were granted to both the parties for filling their W.S. Ultimately when the case was fixed on 24-4-87 both the parties appeared before me and filed a Joint Compromise petition. I heard the parties on the said Joint Compromise petition and I find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the Joint Compromise petition which forms part of the Award as Annexure.

Dated : 18-5-87

L. N. SINHA, Presiding Officer

[No. L-24012/26/86-D.IV(B)]

R. K. GUPTA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

NO. 2. AT DHANBAD.

Reference No. 341/86

PARTIES:

Employers in relation to the management of Lodna Colliery of Lodna Area of M/s. Bharat Coking Coal Limited, P.O. Khas Jeenagora, Distt. Dhanbad.

AND

Their Workmen

The humble joint petition of compromise on behalf of the parties most respectfully sheweth:—

1. That the Central Government in the Ministry of Labour, New Delhi by notification No. L-24012(36)/86-D-IV (B) dated 13th October 1986 has been pleased to refer the Industrial Dispute as per schedule noted below for an adjudication under section 10(i) (d) (24) of the Industrial Disputes Act 1947 to this Honourable Tribunal.

SCHEDULE

"Whether the action of the Management of Lodna Colliery of M/s. Bharat Coking Coal Limited, P.O. Lodna, Distt. Dhanbad in not regularising the workmen given in Annexure 'A' below on the jobs mentioned against their names is justified? If so, to what relief the workmen are entitled?"

ANNEXURE-A

REPRESENTING WORKMEN

Sd/-

(H. N. SINGH), President
Koyla Ispat Mazdoor Panchayat.REPRESENTING EMPLOYER
H. S. ARORA, General Manager,
Bharat Coking Coal Limited
Lodna Area
P.O. Khas Jeezagora
Distt. Dhanbad.

Sd/-

(K. KUMAR), Personnel Manager,
Bharat Coking Coal Ltd.,
Lodna Area
P.O. Khas Jeezagora
Distt. Dhanbad.

Witness :

Sd/-

1. A. K. Biswas Sr. P. O. Lodna
2. Sukh Ram Pasi

नई दिल्ली, 3 जून, 1987

का. भा. 1559:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ने सेंट्रल कोल-फील्ड्स लि. केबला, घोपन कास्ट प्रोजेक्ट के प्रबंधन से सम्बन्धित विवादों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-5-87 का प्राप्त हुआ था।

New Delhi, the 3rd June, 1987

S.O. 1559.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Coalfields Limited, and their workmen, which was received by the Central Government on the 22nd May, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 207 of 1986

In the matter of industrial dispute under Section 10(1) (d) of the I.D. Act., 1947.

PARTIES :

Employers in relation to the management of Central Coalfields Limited, Hazaribagh Area and their workmen.

APPEARANCES :

On behalf of the workmen :

Shri S. D. Sharma, Area Secretary, United Coal Workers Union.

On behalf of the employers

Shri R. S. Murthy, Advocate.

STATE : Bihar.

Industry : Coal.

Dated, Dhanbad, the 18th May, 1987

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24011 (4)/85-D.IV(B), dated, the 23rd September, 1985.

Sl. No.	Name	Designation	At present working as
1.	Shri Karoo Singh	General Mazdoor	Heavy tyndal
2.	Shri Hira Lal Nonia	-do-	-do-
3.	Shri Jugal Mahato	-do-	-do-
4.	Shri Gopal Rabindas	-do-	-do-
5.	Shri Debi Prasad Mahato	-do-	-do-
6.	Shri Dharam Singh	-do-	Tyndal Jamadar

2. That the parties discussed the matter mutually between themselves and have compromised the aforesaid Industrial Dispute outside the Court on the following terms and conditions:—

(i) Shri Karoo Singh who was working as General Mazdoor has since been regularised as Heavy Tyndal in Cat. IV with effect from 19-12-84 and is being paid wages and other benefits accordingly since that date (i.e. 19-12-84). Therefore, there is no case for adjudication and the Union agreed to drop the case.

(ii) Shri Hiralal Nonia alias Harilal Nonia who was also working as a General Mazdoor has since been regularised as an Operator in Cat. III with effect from 19-12-84 and is being paid wages and other benefits from that date (i.e. 19-12-84) accordingly. Shri Hiralal Nonia alias Harilal Nonia never worked as Heavy Tyndal. The Union agreed not to press the claim for his being placed in Cat. IV. Therefore the case is dropped.

(iii) Shri Jugal Mahato alias Jugal Yadav has been working as General Mazdoor in Category-I. He never worked as Heavy Tyndal. He is being regularised as Helper to Operator in Category-II with effect from 19-12-84. He will be paid the difference of wages and other benefits, if any, with effect from that date (i.e. 19-12-84).

(iv) Shri Gopal Rabidas alias Gopal was working as General Mazdoor. He has already been regularised as Heavy Tyndal in Category-IV with effect from 19-12-84. Since he has already been regularised and is being paid wages and other benefits accordingly the Union gave up its claim.

(v) Shri Debi Pd. Mahato alias Debi Pd. who was working as General Mazdoor has since been regularised as an Operator in Category-III with effect from 19-12-84 and is being paid wages and all other benefits accordingly. The Union gave up its claim for his regularisation as Heavy Tyndal.

(vi) Shri Dharam Singh who was working as a Tyndal has since been regularised as a Tyndal Jamadar in Category-V with effect from 19-12-84 and is being paid wages and other benefits accordingly.

3. This settles all the dispute between the parties and the aforesaid workmen concerned shall have no other claim or demand whatsoever.

4. That this settlement is fair and proper.

5. That the parties request the Honourable Tribunal to kindly pass an Award in terms of the settlement.

6. It is, therefore, prayed that your Honour may be graciously pleased to accept the settlement as fair and proper and pass an Award in terms of the settlement and for this act of kindness the petitioner shall ever pray.

SCHEDULE

"Whether the action of the Management of Central Coalfields Limited, in not allowing Sh. Panchanan Mahato & 8 others of Jharkhand Colliery and S/ Shri K. Narayana and 45 others of Kedla Opencast Project to perform duty on normal working days, is legal and justified? If not, to what relief are the concerned workmen entitled?"

In this case none of the parties filed their respective W.S. etc. The earlier several adjournments were granted to the parties. Ultimately on 28-4-87 when the case was fixed, both the parties appeared before me and filed a Joint Compromise Petition. I have heard the parties on the said Joint Compromise Petition and I find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the said Joint Compromise Petition which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer.

[No. L-24012/4/85-D.IV(B)]

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

In the matter of Reference No. 207 of 1986

PARTIES :

Employers in relation to the Management of Hazaribagh Area of Central Coalfields Ltd., PO : Chaini, Distt. Hazaribagh

AND

Their workmen

JOINT COMPROMISE PETITION OF EMPLOYERS AND WORKMEN

The above mentioned Employers and the workmen most respectfully beg to submit jointly as follows:—

1. That the Employers and the workmen have jointly negotiated the matter covered by the aforesaid reference with a view to arriving at mutually acceptable and amicable settlement.
2. That as a result of such negotiations, the Employers and workmen have mutually settled the matter and as a result the dispute no longer survives.

In view of the above, the Employers and the Workmen jointly Pray that the Hon'ble Tribunal may be pleased to give a "No dispute" award and dispose of the matter accordingly.

S. D. SHARMA, Area Secy.
United Coal Workers Union
Hazaribagh Area

C. Prakash, General Manager
Hazaribagh Area
Central Coalfields Ltd.

Witnesses :

R. P. SHARMA, Personnel Manager
Hazaribagh Area
Central Coalfields Limited
For & Behalf of Employers
RAJ. S. MURTHY, Advocate
For Employers

Dated 10-4-1987

का. प्र. 1560:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार व लोडना फायर प्रोजेक्ट, लोडना क्षेत्र नं. X पैस. बी. सी. सी. एल. के परम्परा से सम्बन्धित नियोक्तों और उनके कर्मचारों के बीच प्रसंग में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-5-87 को प्राप्त हुआ था।

S.O. 1560.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Lodna Fire Project of Lodna Area No. X M/s. Bharat Coking Coal Limited, and their workmen, which was received by the Central Government on the 22nd May, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 121 of 1985

In the matter of industrial dispute under Section 10(1)

(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Lodna Fire Project of M/s. Bharat Coking Coal Ltd., and their workmen.

APPEARANCES :

On behalf of the workmen :

Shri S. Bose, Secretary, R.C.M.S., Dhanbad.

On behalf of the employers :

Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 18th May, 1987

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012 (17)/85-D.IV (B), dated, the 5th August, 1985.

SCHEDULE

"Whether the action of the management of Lodna Fire Project of Lodna Area No. X of M/s. Bharat Coking Coal Ltd., P.O. Lodna, Dist. Dhanbad in regularising S/Shri Radhey Shyam Paswan, Hari Yadav, Doman Rabidas, Dharmu Dusadh, Chotan Mahto & Jagdish Bhuiya in Cat. I is justified? If not, to what relief these workmen are entitled?"

In this reference none of the parties filed their respective W.S. etc. Thereafter several adjournments were granted to the parties. Ultimately on 20-4-87 both the parties appeared before me and filed a Petition of compromise. I have gone through the said petition of compromise and I find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the petition of compromise which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer.

Dated 18-5-87

[No. L-24012/17/85-D.IV(B)]

ANNEXURE

THE PRESIDING OFFICER BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, AT DHANBAD

Reference No. 121/85

PARTIES :

EMPLOYERS IN RELATION TO THE MANAGEMENT OF LODNA FIRE PROJECT

AND

THEIR WORKMEN
PETITION OF COMPROMISED

The humble petition on behalf of the parties to the above reference most respectfully sheweth :—

1. That without prejudice to the contentions of the parties, the dispute has been amicably settled on the following terms :—

Terms of Settlement

- (a) That the concerned workmen namely Radheshyam Paswan, Hari Yadav, Doman Rabidas, Dharmu Dusadh, Chhoten Mahto and Jagdish Bhuia regularised from the posts of wagon loaders in Group-III to the posts of General Mazdoors in Category-I by order dated 17-10-81, will be fixed in Category-I protecting their wages in Group-III.
- (b) That the concerned workmen will be paid the Category-I wages on the terms of protection given to them on 17-10-87 and the workman would get the difference of wages from the date of conciliation.

2. That in view of the above settlement these exists no dispute to be adjudicated.

Under the facts and circumstances stated above the Honorable Tribunal will be graciously pleased to accept the terms of the settlement as fair and proper and be pleased to pass the Award in terms of the settlement.

REPRESENTING WORKMEN

G. D. PANDEY, Secy.

Rashtriya Colliery Mazdoor Sangh

REPRESENTING EMPLOYER

H. S. ARORA, General Manager,
Bharat Coking Coal Limited, Lodna AreaP.O. Khas Jeenagora.
Distt. Dhanbad.K. KUMAR, Personnel Manager,
Bharat Coking Coal Limited
Lodna AreaP.O. Khas Jeenagora.
Distt. Dhanbad.

Witness :

- 1.
- 2.

का.प्र.1561:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व साऊथ टिसरा कोलियरी, लोडना क्षेत्र में म. वी. सी. एल. के प्रबन्धन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-5-87 को प्राप्त हुआ था।

S.O. 1561.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of South Tisra Colliery, Lodna Area of M/s. Bharat Coking Coal Limited, and their workmen, which was received by the Central Government on the 22nd May, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 129 of 1982

In the matter of industrial dispute under Section 10(1) (d) of the I.D. Act., 1947.

PARTIES :

Employers in relation to the management of South Tisra Colliery, Lodna Area of M/s. Bharat Coking Coal Limited, Post Office Khasjeenagora, Distt. Dhanbad.

APPEARANCES

On behalf of the workmen : Shri S. Bose, Secretary,
R.C.M.S., Dhanbad.

On behalf of the employers : Shri B. Joshi, Advocate.
State Bihar Industry : Coal

Dated, Dhanbad, the 18th May, 1987

AWARD

The Govt. of India, Ministry of Labour & Rehabilitation in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(29)/82-D.IV(B), dated, the 30th October, 1982.

SCHEDULE

“Whether the demand of the workman of South Tisra Colliery Lodna Area of Messrs. Bharat Coking Coal Limited, Post Office Khasjeenagora, District Dhanbad that Shri Nirmal Chandra Roy, Cap Lamp Fitter should be placed in Cat. V is justified? If So, to what relief is the said workman entitled?”

In this reference both the parties filed their W.S., documents etc. hereafter the case proceeded along with its course. Ultimately on 11-3-87 when the case was fixed for evidence, both the parties appeared and filed a petition of compromise. I have heard the parties on the said petition of compromise. I do find that the terms contained therein are fair, proper and beneficial to both the parties. I, therefore, accept the same without hesitation and pass an Award in terms of the petition of compromise which forms part of the Award as Annexure.

J. N. SINHA, Presiding Officer
[No. L-24012/29/82-D. IV(B)]

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2

AT DHANBAD

Reference No. 129/82

PARTIES :

Employers in relation to the management of south Tisra Colliery

AND

THEIR WORKMEN

Petition for Compromise

The humble petition on behalf of the parties to the above reference most respectfully sheweth :—

1. That without prejudice to the respective contentions of the parties to the reference, the dispute has been amicable settled on the following terms :—

Terms of Settlement

- (a) That the concerned workman Sri Nirmal Chandra Roy, the Caplam fitter will be placed in Category-V with effect from 30-10-82.

(b) That the notional seniority in Category-V will be given with effect from 30-10-82 (from the date of reference)

2. That in view of the above settlement these remains nothing to be adjudicated.

Under the facts and circumstances stated above the Honourable Tribunal will be graciously pleased to accept the terms of settlement as fair and proper and be pleased to pass the Award in terms of the settlement.

Representing Workman

G. D. PANDEY, Secy. Rashtriya Colliery Mazdoor Sangh.

Representing Employer

H. S. ARORA, General Manager,
Bharat Coking Coal Limited, Lodna Area
P.O. Khas Jeenagora, Distt. Dhanbad.

2. K. KUMAR, Personnel Manager,
Bharat Coking Coal Limited,
Lodna Area

P.O. Khas Jeenagora
Distt. Dhanbad.

Witness :—

1.
2.

का. प्र. 1562:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुच्छेद में, केन्द्रीय सरकार व कार्य दिस्तर कोलियरी, लोडना क्षेत्र में, बी. सी. सी. एल. के प्रबंधन से सम्बन्धित त्रयों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-5-87 को प्राप्त हुआ था।

S.O. 1562.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of North Tisra Colliery, Lodna Area of M/s B.C.C. Ltd. and their workmen, which was received by the Central Government on the 22nd May, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 130 of 1982

In the matter of industrial dispute under Section 10(1) (d) of the I.D. Act., 1947.

PARTIES :

Employers in relation to the management of North Tisra Colliery, Lodna Area of M/s B.C.C. Ltd., P.O. Khas-jeenagora, Distt. Dhanbad and their workmen.

APPEARANCES :

On behalf of the workmen : Shri S. Bose, Secretary,
R.C.M.S., Dhanbad.

On behalf of the employers : Shri B. Joshi, Advocate.

INDUSTRY : Coal. STATE : Bihar

Dated, Dhanbad, the 18th May, 1987

AWARD

The Govt. of India, Ministry of Labour and Rehabilitation in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(27)/82-D.IV(B), dated, the 30th October, 1982.

SCHEDULE

"Whether the demand of the workmen of North Tisra Colliery Lodna Area of Messrs. Bharat Coking Coal Ltd., Post Office Khasjeenagora, District Dhanbad that Shri Sarju Raut, Fitter should be placed in Col. VI, is justified? If so to what relief is the said workman entitled?"

In this case both the parties made their appearance and filed their W.S. and documents. Thereafter the case proceeded along with its course. Ultimately on 20-4-87 when the case was fixed for evidence, both the parties appeared before me and filed a petition of compromise. I have heard the parties on the said petition of compromise and I find that the terms contained therein are fair proper and beneficial to both the parties. Accordingly, I accept the same and pass an Award in terms of the said petition of compromise which forms part of the Award as annexure.

[No. L-24012/27/82-D.IV(B)]

I. N. SINHA, Presiding Officer

Dated 18-5-87

ANNEXURE

BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD

Reference No. 130/82

Petition for Compromise

PARTIES :

Employers in Relation to the Management of North Tisra Colliery

AND

Their Workmen

Petition for Compromise

The humble petition on behalf of the parties to the above reference most respectfully sheweth :—

1. That without prejudice to the respective contentions of the parties to the reference, the dispute has been amicably settled on the following terms :—

Terms of Settlement

(a) That the concerned workman Sri Sarju Raut, Fitter will be placed in Category-VI with immediate effect.

(b) That the concerned workman will not be entitled to difference of wages and other benefits.

2. That in view of the above settlement these remains nothing to be adjudicated.

Under the facts and circumstances stated above the Honourable Tribunal will be graciously pleased to accept the terms of settlement as fair and proper and be pleased to pass the Award in terms of the settlement.

Representing Workman

Representing Employer

G. D. PANDEY, Secy.

Rashtriya Colliery Mazdoor Sangh

1. H. S. ARORA, General Manager,
Bharat Coking Coal Limited,
Lodna Area.

P.O. Khas Jeenagora, Distt. Dhanbad.

2. K. KUMAR, Personnel Manager,
Bharat Coking Coal Limited
Lodna Area

P.O. Khas Jeenagora, Distt. Dhanbad.

Witness :—

1.
2.

का. अ. 1563:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, व लोडना कोयिलरी मैज' भारत कोकिंग कोल लि. के प्रबंधन से सम्बंधित नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-5-87 को प्राप्त हुआ था।

S.O. 1563.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Lodna Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 26th May, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 344 of 1986

In the matter of Industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

PARTIES:

Employers in relation to the management of Lodna Colliery of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen.—Shri H. N. Singh, General Secretary, Koyala Ispat Mazdoor Panchayat, Jharia, Dhanbad.

On behalf of the employers—Shri K. Kumar, Personnel Manager.

STATE : Bihar

INDUSTRY : Coal.

Dated, Dhanbad, the 18th May, 1987

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012 (38)/86-D.IV(B), dated, the 16th October, 1986.

SCHEDULE

"Whether the action of the Management of Lodna Colliery of M/s. Bharat Coking Coal Limited, P.O. Lodna, Distt. Dhanbad in not regularising the services of the workmen given in Annexure-A (below) on the jobs mentioned against their names is justified?"

If so, to what relief the workmen are entitled?"

ANNEXURE-A

Sl. No.	Name	Designation	At present working as
1.	Shri Jagdeo Mallah	Genl. Mazdoor	Lime Loader.
2.	Shri Qayum Mian	-do-	Belt Khalasi.
3.	Shri Jagan Mahto	-do-	-do-
4.	Shri Janki Mahato	-do-	Fitter Helper
5.	Shri Sura Manjhi	-do-	Khalasi.

In this reference the workman filed their W.S. but the employers did not file. Thereafter several adjournments were granted to the employers. Ultimately on 24-4-87 when the case was fixed, both the parties appeared and filed before me a Joint compromise petition, I heard the parties on the said compromise petition and I do find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award

in terms of the Joint Compromise petition which forms part of the Award as Annexure.

[No. L-24012/33/86-D.IV(B)]

I. N. SINHA, Presiding Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD

Reference No. 344/86

PARTIES :

Employers in relation to the management of Lodna Colliery of Lodna Area of M/s. Bharat Coking Coal Ltd., P.O. Khas Jeenagora, District Dhanbad.

AND

Their Workmen

The humble joint petition of compromise on behalf of the parties most respectfully sheweth:—

1. That the Central Government in the Ministry of Labour, New Delhi by notification No. L-24012(33)/86-D.IV(P) dated 16th October, 1986 has been pleased to refer the Industrial Dispute as per schedule noted below for an adjudication under section 10(1)(d)(24) of the Industrial Disputes Act 1947 to this Honourable Tribunal.

SCHEDULE

"Whether the action of the Management of Lodna Colliery of M/s. Bharat Coking Coal Limited, District Dhanbad in not regularising the services of the workmen given in Annexure-A (Below) on the jobs mentioned against their names is justified? If so, to what relief the workmen are entitled?"

ANNEXURE A

Sl. No.	Name	Designation	At present working as
1.	Shri Jagdeo Mallah	General Mazdoor	Lime Loader.
2.	Shri Dayum Mia	-do-	Belt Khalashi
3.	Shri Jagan Mahto	-do-	-do-
4.	Shri Janki Mahto	-do-	Fitter Helper
5.	Shri Sura Manjhi	-do-	Khalashi

2. That the parties discussed the matter mutually between themselves and have compromised the aforesaid Industrial dispute outside the court on the following terms and conditions:—

- (i) Sri Jagdeo Mallah has been working as an Operator in Category-III since long and is being paid wages and other benefits accordingly. There is no dispute with respect to this workman.
- (ii) Sri Qayum Mia who was working as General Mazdoor in Category-II has been working as an Operator in Category-III since 19th December, 1984 and he is therefore regularised as an Operator in Category-III with effect from 19th December, 1984. He shall be paid difference of wages and other benefits, if any.
- (iii) Sri Jagan Mahto who was working as General Mazdoor in Category-II has been working as Operator in Category-III since 19th December, 1984. He shall be regularised as an Operator in Category-III with effect from 19th December, 1984. He shall be paid the difference of wages and other benefits, if any, since that date.
- (iv) Sri Janki Mahto has been working as Helper in Category-II since long and he is being paid wages and other benefits therefore, there is no dispute.
- (v) Sri Sura Manjhi was General Mazdoor in Category-I. He has been regularised as Helper to Operator in

Category-II with effect from 19th December, 1984 and is being paid wages and other benefits accordingly since that dated (i.e. 19th December, 1984), so no dispute subsists.

3. This settles all the disputes between the parties and the aforesaid workman concerned shall have no other claim or demand what-so-ever.

4. That this settlement is fair and proper.

5. That the parties request the Honourable Tribunal to kindly pass an Award in terms of the settlement.

6. It is, therefore, prayed that your Honour may be graciously pleased to accept the settlement as fair and proper and pass an Award in terms of the settlement and for this act of kindness the petitioner shall ever pray.

Representing Workmen :

(H. N. Singh)

President,

Koyla Ispat Mazdoor Panchayat.

Representing Employer :

1. (H. S. Arora),
General Manager,
Bharat Coking Coal Ltd.,
Lodna Area,
P.O. Khas Jeenagora,
District Dhanbad.

2. (K. Kumar),
Personnel Manager,
Bharat Coking Coal Ltd.,
Lodna Area,
P.O. Khas Jeenagora,
District Dhanbad.

Witnesses :

1. A. K. Viswas
2. Sukhram Passi

का. घा. 1564:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में, केन्द्रीय सरकार 4 लोडना कोलियरी मैमर्स भारत कोकिंग कोल लि. के प्रबंधकों से सम्बंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-5-87 को प्राप्त हुआ था।

S.O. 1564.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Lodna Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 26th May, 1987.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 333 of 1986

In the matter of industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Lodna Area of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri H. N. Singh, General Secretary, Koyala Ispat Mazdoor Panchayat, Jharla, Dhanbad.

On behalf of the employers—Shri K. Kumar, Personnel Manager.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 18th May, 1987

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012/34/86-D.IV(B), dated, the 29th September, 1986.

SCHEDULE

"Whether the action of the Management of Lodna Colliery of M/s. Bharat Coking Coal Limited, P.O. Lodna, District Dhanbad in not regularising the workmen as Annexure 'A' on the jobs mentioned against their names is justified? If so, to what relief the workmen are entitled?"

ANNEXURE-'A'

Sl. No.	Name	Designation	At present working as
1.	Shri Radha Bhuia	Wagon Loader	Hammerman
2.	Shri Gareja Nonia	-do-	-do-
3.	Shri Shyamlal Bilaspuri	-do-	Oil Man
4.	Shri Sitaram Nonia	-do-	Belt Cleaner

In this reference both the parties made their appearance but only the union filed their Written Statement. Thereafter several adjournments were granted to the employers. Ultimately when the case was fixed on 7th May, 1987 both the parties appeared before me and filed a joint petition of compromise. I heard the parties on the said petition of compromise and I find that the terms contained therein are very fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the said joint compromise petition which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer

No. L-24012/34/86-D.IV(B)

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT

DHANBAD

Reference No. 333/86

PARTIES :

Employers in relation to the Management of Lodna Colliery of Lodna Area of M/s. Bharat Coking Coal Limited, P.O. Khas Jeenagora, District Dhanbad.

AND

Their Workmen

The humble joint petition of compromise on behalf of the parties most respectfully sheweth :—

1. That the Central Government in the Ministry of Labour, New Delhi by notification No. L-24012/34/86-D.IV(B) dated 24th September, 1986 has been pleased to refer the Industrial Dispute as per schedule noted below for an adjudication under section 10(1)(d)(24) of the Industrial Disputes Act, 1947 to this Honourable Tribunal.

SCHEDULE

"Whether the action of the Management of Lodna Colliery of M/s. Bharat Coking Coal Limited, P.O. Lodna, District Dhanbad in not regularising the workmen in Annexure-'A' on the job mentioned against their names is justified? If so, to what relief the workmen are entitled?"

ANNEXURE 'A'

Sl. No.	Name	Deisignation	At present working as
1.	Shri Radha Bhuia	Wagon Loader	Hammerman
2.	Shri Gereja Nonia	-do-	-do-
3.	Shri Shyamlal Bilaspuri	-do-	Oil man.
4.	Shri Sitaram Nonia	-do-	Belt Cleaner

2. That the parties discussed the matter mutually between themselves and have compromised the aforesaid industrial dispute outside the Court on the following terms and conditions :—

(i) Sri Radha Bhuia alias Raju Bhuia was previously employed as Wagon Loader in Group-III but since he has been working as Hammerman in Category-III he is being regularised as Hammerman and placed in Category-III with effect from 19th December, 1984. He shall be paid the difference of wages and other benefits if any with effect from that date (i.e. 19th December, 1984).

(ii) Sri Girija Nonia alias Girija Pd. was working as General Mazdoor. He has since been regularised as a Hammerman in Category-III with effect from 19-12-84 and is being paid wages and other benefits accordingly. So no dispute subsists. The Union did not press the claim.

(iii) Sri Shyamlal Bilaspuri alies Shyamlal Beldar who was previously employed as a Wagon Loader has been working as an Oilman in Category-I. He is being regularised as Oilman in Category-I with effect from 19-12-84. The wages payable to a Wagon Loader as Group-III wages shall however be protected with effect from 19-12-84. Henceforth he shall be paid annual increment and other benefits as the payable to a Category-I worker whenever due. The difference of wages and other benefits if any with effect from 19-12-84 till date shall be paid to him.

(iv) Shri Sita Ram Nonia will be placed in Category-II as Helper with immediate effect.

3. This settles all the disputes between the parties and the aforesaid workmen concerned shall have no other claim or demand what-so-ever.

4. That this settlement is fair and proper.

5. That the parties request the Honourable Tribunal to kindly pass an Award in terms of the settlement.

6. It is, therefore, prayed that your Honour may be graciously pleased to accept the settlement as fair and proper and pass an Award in terms of the settlement and for this act of kindness the petitioners shall ever pray.

Representing Workmen :

(H. N. Singh) President,

Koyla Ispat Mazdoor Panchyat.

Representing Employer :

1. (M. P. Verma, General Manager (Actg.),
Bharat Coking Coal Ltd., Lodna Area,

P. O. Khas Jeenagora,
Distt. Dhanbad.

2. (K. Kumar), Personnel Manager,
Bharat Coking Coal Ltd., Lodna Area,

P. O. Khas Jeenagora,
Distt. Dhanbad.

Witnesses :—

1. R. M. Choudhary.

2. Madan Prasad.

391 GI/87—7

का. आ. 1565:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लोडना क्षेत्र में मैसर्स बी. सी. सी. लि. के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-5-87 को प्राप्त हुआ।

S.O. 1565.—In pursuance of section 17 the Industrial Disputes, Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Lodna Area of M/S B.C.C. Ltd., At & P. O. Khasjeenagora, Distt. Dhanbad and their workmen, which was recieved by the Central Government on the 22nd May, 1987.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 9 of 1984

In the matter of industrial disputes under Section 10 (1)(d) of the I. D. Act, 1947.

PARTIES

Employers in relation to the management of Lodna Area of Messrs. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen.—Shri S. Bose, Secretary, R.C.M.S. Dhanbad.

On behalf of the employers.—Shri B. Joshi, Advocate. STATE : Bihar. INDUSTRY : Ccal

Dated, Dhanbad, the 18th May, 1987

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1) (d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(37)/83-D.IV(B), dated, the 19th March, 1984 :

SCHEDULE

"Whether the demand of the workmen of Lodna Area of M/s. BCCL. at & P.O. Khas Jeenagora, Distt. Dhanbad for promotion of Shri R. M. Choubey Hindi Superintendent from clerical Grade-I to supervisory grade is justified ? If so, to what relief is the concerned workman entitled ?"

In this reference both the parties filed their respective W. S. documents etc. Thereafter the case proceeded along with its course. Ultimately on 20-4-87 when the case was fixed both the parties appeared before me and filed a petition of compromise. I have heard the parties on the said petition of compromise and I find that the terms contained therein are fair, proper and beneficial to both parties. Accordingly I accept the same and pass an Award in terms of the said petition of compromise which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer
[No. L-24012/37/83-D. IV(B)]

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO 2. AT DHANBAD

Reference No. 9/84

PARTIES :

EMPLOYERS IN RELATION TO THE MANAGEMENT OF LODNA AREA AND THEIR WORKMAN
PETITION OF SETTLEMENT

The humble petition on behalf of the parties to the above reference most respectfully sheweth :—

1. That the without prejudice to the respective contentions of the parties, the dispute has been amicably settled on the following terms :—

TERMS OF SETTLEMENT

(a) That Sri R. M. Choubey, the concerned workman will be regularised on Special Grade with effect from January, 1985 and his scale of pay will be fixed with effect from that date.

(b) That the present fixation in Special Grade has been accepted in consideration of Special Duties performed by him in addition to his duties of Hindi Superintendent and he will continue to carry on such duties in future.

2. That in view of the above settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above the Honourable Tribunal will be graciously pleased to accept the terms of settlement as fair and proper and be pleased to pass the Award in terms of settlement.

Representing Workmen :

(G. D. PANDEY)

Representing Employer

(H. S. ARORA)
General Manager,
Bharat Coking Coal Limited,
Lodna Area
P. O. Khas Jeenagora
Distt. Dhanbad

(K. KUMAR)
Personel Manager,

harat Coking Coal Limited,
Lodna Area,

Witness :

Secretary,
Rashtriya Colliery Mazdoor Sangh

(1) R. M. Choudhary
R. N. Choudhary.

P. O. Khas Jeenagora
Distt. Distt. Dhanbad

नई दिल्ली, 11 जून, 1987

का. आ. 1566.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुवर्ण में, केन्द्रीय सरकार के मैसर्स भारत कोकिंग कोल लिमि. के लोडना कोलियरी प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक विवाद अधिनियम नं. 2-1947, के पैरा 2 के अन्तर्गत करती है, जो केन्द्रीय सरकार को 26-5-87 को प्राप्त हुआ था।

New Delhi, the 11th June, 1987

S.O. 1566.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Lodna Colliery of M/s Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 26th May, 1987.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 301 of 1986

In the matter of industrial dispute under Section 10(1)(d) of the I. D. Act, 1947.

PARTIES :

Employers in relation to the management of Lodna Colliery of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen : Shri H. N. Singh, General Secretary, Koyala Ispat Mazdoor Panchayat.

On behalf of the employers : Shri K. Kumar, Personnel Manager.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 18th May, 1987

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012 (24)/86-D I.V(B), dated, the 2nd August, 1986 :

SCHEDULE

"Whether the action of the management of Lodna Colliery of M/s. B.C.C.L., P.O. Lodna, Distt. Dhanbad in not regularising the services of the workmen given in Annexure-A on the jobs mentioned against their names is justified ? If so, to what relief the workmen concerned are entitled ?"

ANNEXURE 'A'

S/Shri	Designation	At presenting working as
1. Ram Sakal Dusadh	General Mazdoor	Conveyor Belt
2. Swarup Passi	-do-	Steam Belt
3. Samurau Jaiswara	-do-	Steam Belt
4. Budhan Mehto	-do-	Spare

In this reference the workmen filed their W.S. but the employers did not file the same. Thereafter several adjournments were granted to the employers for filing their W.S. Ultimately on 24-4-87 when the case was fixed, both the parties appeared before me and filed a Joint petition of compromise. I heard the parties on the said petition of compromise and I do find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the said Joint Petition of Compromise, which forms part of the Award as Annexure.

Dt. 17-5-87.

I. N. SINHA, Presiding Officer
[No. L-24012/24/86-D. IV(B)]
R. K. GUPTA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2

AT DHANBAD

Reference No. 301/86

PARTIES :

Employers in relation to the management of Lodna Colliery of Lodna Area of M/s. Bharat Coking Coal Ltd., P.O. Khas Jeenagora, Distt. Dhanbad

AND

Their Workmen.

The humble joint petition of compromise on behalf of the parties most respectfully shoueth :—

1. That the Central Government in the Ministry of Labour, New Delhi by notification No. L-24012(24)/86-D. IV(B) dated 2-8-86 has been pleased to refer the industrial dispute as per schedule noted below for an adjudication under section 10(1)(d) (24) of the Industrial Disputes Act, 1947 to this Honourable Tribunal.

SCHEDULE

"Whether the action of the management of Lodna Colliery of M/s. BCCL, P.O. Lodna, Distt. Dhanbad in not regularising the services of the workmen given in Annexure-A on the jobs mentioned against their names is justified ? If so, to what relief the workmen concerned are entitled ?"

ANNEXURE-A

S/Sluri	Designation	At present
		working at
1. Ram Sakal Dasadh	General Mazdoor	Conveyor Belt.
2. Swarup Passi	-do-	Conveyor Bent
3. Samurah Jaiswara	-do-	Steam Belt
4. Budhan Mehto	-do-	Spare

2 That the parties discussed the matter mutually between themselves and have compromised the aforesaid industrial dispute outside the Court on the following terms and conditions :—

- (i) Sri Ramsakal Dusadh who was working as General Mazdoor in Cat. I shall be placed/regularised as Helper to Operator in Category-II with effect from 1-7-85 and he shall be paid the difference of wages and other benefits, if any, with effect from that date (i.e. 1-7-85).
 - (ii) Sri Sarup Passi has been working as General Mazdoor in Cat.I and he is being paid wages and other benefits accordingly. There is no dispute with respect to this workman. The union did not press its claim. The dispute is dropped.
 - (iii) Sri Samurah Jaiswara has been working as Helper in Category-II and he will be paid accordingly with effect from 19-12-84.
 - (iv) Sri Budhan Mehto has been working as an Operator in Category-III and is being paid wages and other benefits accordingly. As such no dispute exists.
3. This settles all the disputes between the parties and the aforesaid workmen concerned shall have no other claim or demand what-so-ever.
4. That this settlement is fair and proper.
5. That the parties request the Honourable Tribunal to kindly pass an Award in terms of the settlement.
6. It is, therefore, prayed that your Honour may be graciously pleased to accept the settlement as fair and proper and pass an Award in terms of the settlement and for this act of kindness the petitioners shall ever pray.

Representating workmen :
H. N. SINGH, President,
Koyla Ispat Mazdoor Panchayat.

Representative Employer :
1. H. S. ARORA, General Manager,
Bharat Coking Coal Ltd., Lodna Area
P.O. Khas Jcenagora,
Distt. Dhanbad.

2. K. KUMAR, Personnel Manager,
Bharat Coking Coal Limited,
Lodna Area
P.O. Khas Jcenagora,
Distt. Dhanbad.

Witnesses :—

1. A. K. Biswas
2. Sukh Ram Passi

नई दिल्ली, 3 जून, 1987

का. घा. 1567 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार, यूनाइटेड इंडिया इस्पात का. लि. के प्रबंधन से सम्बद्ध विवादों और उनके कर्मचारों के बीच प्रबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22 मई, 1987 को प्राप्त हुआ था।

New Delhi, the 3rd June, 1987

S.O. 1569.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur, as shown in the Annexure in the industrial dispute between the employers in relation to the United India Insurance Co. Ltd., and their workmen, which was received by the Central Government on the 22nd May, 1987.

ANNEXURE

BEFORE SHRI R. B. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 128 of 1986

Reference No. L-17011/7/85-D.IV(A) dt. 20-11-86.

Shri O. P. Shukla and Prakash Nath C/o The Secretary, General Insurance Employees Association, (Northern Zone), 17/13, The Mall, Kanpur.

AND

1. The Manager,
United India Insurance Co. Ltd.,
28-A, Vidhan Sabha Marg,
Lucknow.
2. The Regional Manager,
United India Insurance Co. Ltd.,
28-A, Vidhan Sabh Marg,
Lucknow.
3. The Deputy Manager,
United India Insurance Co. Ltd.,
Lucknow Regional Office,
28-A, Vidhan Sabha Marg,
Lucknow.

AWARD

1. The Central Government Ministry of Labour vide its notification No. L-17011/7/85-D.IV (A) dt. 20-11-86 has referred the following dispute for adjudication on this Tribunal :

"Whether the action of the management of United India Insurance Co. Ltd. in promoting five SC/ST employees who failed in the promotion examination and interview and in denying promotions to seven candidates of General Category and four candidates of reserve category is justified? If not, to what relief are the workmen concerned entitled?"

AND

"Whether the action of the Regional Manager, of United India Insurance Co. Ltd., in denying promotions and postings to Shri O. P. Shukla and Prakash Nath at Kanpur and Varanasi respectively and withholding combined merit based list of all the 21 successful candidates for promotion to the post of Senior Assistants is justified? If not to what relief are concerned workmen entitled?"

ORDER

Reference in the instant case was received in this tribunal on 26-4-86 and notice were issued to the parties to file their respective claim. But despite several time allowed in the case none of the parties filed their claim or counter claim. Finally on 10-2-87 time was allowed till 31-3-87 for filing claim failing which case will be decided on 31-3-87 by order dated 10-2-87 was not complied with.

Thus in these circumstances, case is decided in default of parties and I accordingly order that let no claim award be sent to the Government for its publication.

Let the six copies of the award be sent to the Government for its publication.

R. B. SRIVASTAVA, Presiding Officer
[No. L-17011/7/85-D.IV(A)]

Dated : 14-5-87

नई दिल्ली, 11 जून, 1987

का. प्रा. 1568.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, कनकता पत्तन न्याय के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में मध्यस्थ के पत्राद को प्रहणित करती है, जो केन्द्रीय सरकार का 7 मई, 1987 को प्राप्त हुआ था।

New Delhi, the 11th June, 1987

S.O. 1568.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Arbitrator as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Calcutta Port Trust and their workmen, which was received by the Central Government on the 27th May, 1987.

BEFORE SHRI ASHOK JOSHI, I.A.S., CHAIRMAN,
MADRAS PORT TRUST, RAJAJI SALAI,
MADRAS-600001.

In the matter of arbitration in the Industrial Dispute under Section 10-A of the Industrial Disputes Act, 1947, between the Management of Calcutta Port Trust and their Workmen represented by Calcutta Port Shramik Union :

PRESENT

Representing Employer	1. Capt. D. Sengupta, Deputy Director-I, Marine Department, Calcutta Port Trust.
	2. Shri Dilip Kumar Mukherjee, Industrial Relations Officer, Labour Adviser & Industrial Relations Officer's Department, Calcutta Port Trust.
Representing Workmen	1. Shri Prabati Das, General Secretary, Calcutta Port Shramik Union, 26, Dr. Sudhir Basu Road, Calcutta-700023.
	2. Shri Ranjit Bhowmik, Assistant General Secretary, Calcutta Port Shramik Union, 26, Dr. Sudhir Basu Rad, Calcutta-700023.
State :	West Bengal
Industry :	Ports & Docks.

Dated the 25th day of May, 1987.

AWARD

By an Arbitration Agreement dated the 7th October, 1986, entered into under the provisions of Sec. 10-A of the Industrial Disputes Act by the Management of the Calcutta Port Trust (Employer) and certain categories of workmen employed at Haldia Dock Complex of the Calcutta Port represented by Calcutta Port Shramik Union, it was agreed to refer to my arbitration of an industrial dispute existing between them. The dispute related to payment of certain additional allowances to the crew attached to the tugs, viz., 'Ahalya', 'Draupadi', 'Kunti', 'Tara' and 'Mandodari' deployed for work at Haldia Dock Complex of the Calcutta Port.

2. The terms of reference agreed upon and incorporated in the Arbitration Agreement are as follows :—

"1. Whether the claims of the Calcutta based crews attached to the Tugs, namely, 'Ahalya', 'Draupadi', 'Kunti', 'Tara' and 'Mandodari' and deployed for work at Haldia Dock Complex;

(a) for payment of 25 per cent additional allowance as was paid to the Shore Crew and Launch Crew who were also based in Calcutta and deployed for work at Haldia Dock Complex having two shifts in a day of 24 hours with effect from 1-1-1977 or from the date of their actual deployment at Haldia whichever was later;

(b) for payment of above-norm allowances, hardship allowance, continuous and Estuary Dredging Allowances paid to the crew of the Calcutta Port Trust vessels, namely, Dredgers, Despatch and Pilot vessels, etc., based in Calcutta and going out of Calcutta Port limit is justified?"

3. In the initial Arbitration Agreement, it was provided that the Arbitrator shall make his award within a period of two months or within such further time as is extended by mutual agreement between the parties in writing. Since the time limit prescribed was considered insufficient, the parties to the Arbitration have agreed in writing on the 14th February, 1987 to extend the time limit upto the 31st May, 1987 for the Arbitrator to submit his award and the same has been forwarded to the Ministry of Labour, Government of India, by the Calcutta Port Trust in their letter No. C/30/326 dated the 25th March, 1987.

4. In pursuance of the Arbitration Agreement dated the 7th October 1986, the parties to the dispute were requested to forward a statement of their case for consideration. The written statements were received from the parties on the dates from the 28th January to the 10th March 1987.

5. The first hearing was held at Calcutta on the 26th March, 1987. During the said hearing, the Union representing the workmen requested that the Arbitrator should visit the Haldia Dock Complex to apprise himself of the working of the tugs under the terms of reference. Accordingly, the Arbitrator visited the Haldia Dock Complex on the 16th April, 1987, went on board the tug 'Ahalya' held discussions with the representatives of the Management and the workmen had a further hearing in the Guest House of the Haldia Dock Complex on the said date. During the hearing held at Haldia on 16-4-1987, the Management of the Calcutta Port Trust was requested to submit in respect of the crew members of the Haldia Tugs as also other workmen some particulars including their emoluments. During the said hearing, the Management of the Calcutta Port Trust also made a prayer for filing of the summary of their oral submission which was agreed to. Accordingly, the documents requested for and the summary of the Management's oral submission was received from the Calcutta Port Trust with their letter No. C/30/452 dated 29-4-1987.

6. The Calcutta Port Trust have also endorsed a copy of the above letter with the annexure to the Union, who is a party to the arbitration (vide Telex dated 11-5-1987 of the Management).

THE UNION'S CASE

7. In the hearing held at Calcutta on 26-3-1987, the representatives of the Union who is a party to the dispute were present. They stated that a statement of the case made out by them in the written statements submitted to the Arbitrator with their letter No. D/7/A-1/1026 dated 28-1-1987, is complete and during the personal hearing they could like to elucidate their case for the benefit of the Arbitrator.

8. Shri Parbati Das stated that there are three sets of marine crew in the Haldia Dock Complex, i.e. the Shore Crew, the Launch Crew and the Haldia Tug Crew (Workmen covered by the terms of reference of the present dispute before the Arbitrator).

9. Shri Parbati Das explained the broad divisions of the Marine Crew of the Calcutta Port Trust and their entitlements with regard to consolidated overtime, supply of free provisions, special leave per annum, etc. He then stated that the Tugs 'Ahalya', 'Draupadi', 'Kunti', 'Tara' and 'Mandodari' were deployed for work at Haldia at the time of construction of Haldia Dock Complex. During this period, the crew members attached to the abovementioned five tugs had to face with various odds since no normal amenities were available at Haldia under construction. When the abovementioned five

tugs were brought into commission by the Calcutta Port Trust Authorities, it was stipulated that these vessels will be placed to work in the same condition with the Trustees Fire Float-cum-tugs 'Agnijit' and 'Agnijoy'.

10. He further maintained that when Haldia Dock Complex was commissioned in 1977, more vessels and more crew members were required to be posted at Haldia for doing marine jobs. Accordingly, an agreement was reached between the Union and the Management of the Calcutta Port Trust that the Calcutta-based crew members who would be required to go beyond Budge Budge and upto Haldia and Sagar be paid an additional allowance of 25 per cent of the gross wages plus supply of free provisions or cash value for the period, the said crew members are deployed to work at Haldia. He then referred to the settlement dated 13-1-1977 entered into between the Workmen and the Management of the Calcutta Port Trust, providing for the above benefits. He further stated that at the time of commissioning of the Haldia Dock Complex in January, 1977, three launches, viz., 'Mahua', 'Mander' and 'Ketaki' were deployed to work at Haldia along with a large number of crews attached to Calcutta based heave-up boats and hawser boats to work at Haldia as Shore Crew for assisting and handling the shipping movements in and outside the Haldia Dock Complex in addition to the five tugs. The launches and the Shore Crew were placed in two shifts of 12 hours each like Calcutta with one day rest in week. Thereafter he referred to the dispute raised by his Union for the grant of additional 25 per cent allowance on gross wages plus supply of free provisions or cash value in lieu thereof for the crew members M.L.S., 'Mahua', 'Mander' and 'Ketaki' and the Shore Crew which were referred to an adjudication to the Central Industrial Tribunal at Calcutta. The said Tribunal in their award dated 4-11-1982 in reference No. 88 of 1980 held that the Shore Crew and the Launch Crew of Haldia should be deemed to be Calcutta-based and for their work at Haldia, they should be made eligible for the 25 per cent additional allowance and free provisions of value in lieu thereof. He thereafter stated that though the wages and allowances of the crew of the five tugs in the dispute under reference were made on par with the crew of the Fire Fighting Tugs 'Agnijoy' and 'Agnijit', the crew of the five tugs under dispute perform all sorts of marine activities during day and night and they work under such conditions which are totally different in that they have to do more integrated, complicated and arduous job at Haldia for round the clock having only 1½-2 set of crews, he emphasised that the denial of 25 per cent of additional allowance as has been paid to the crews of Calcutta based launches and shore crew deployed to work at Calcutta is unjust.

11. Shri Parvati Das thereafter emphasised the fact that the crew of the 5 tugs should be deemed to be Calcutta based as they continue to hold the lien in Calcutta Port and are ranked along with the crew of the crafts in Calcutta for purposes of future promotions and they go to Calcutta for receiving the salary every month. When the shore crew and Launch Crew can be deemed to be Calcutta-based and granted the additional allowance of 25 per cent by the Award of the Central Industrial Tribunal dated 4-11-1982 referred to earlier, there is absolutely no premise for denying similar benefits to the crew of the five Haldia Tugs since they are also covered by the Settlement dated 13-1-1977 entered into by the Union with the Calcutta Port Management. Since the crew members of the five tugs work in Haldia for all the days in a month, they should be made eligible for the additional allowance for the entire month.

12. Referring to the variety of tasks performed by them, he emphasised that they should be made eligible for the other allowances prayed for in their written statements like Estuary Allowance, Above-Norm Allowance, Hardship Allowance. He also emphasised that since the Shore Crew and the Laundry Crew have been made eligible for the 25 per cent additional allowance by the Award of the Industrial Tribunal referred to above retrospectively from 1st January, 1977, the crew members of the five tugs under the terms of reference of the Arbitrator should also be made eligible for the additional 25 per cent allowance and other allowances like Hardship Allowance, Estuary Allowance Above norm Allowance, etc., from January 1977.

13. In the hearing held at Haldia on 26-4-1987, the Union reiterated their earlier submission and explained the nature of job performed by the crew of the five Haldia Tugs. The Union also stated that the Tug Crew continue to maintain their lien at Calcutta and are ranked along with the crew of the Calcutta port crafts for purpose of promotion, etc.

MANAGEMENT CASE

14. In the hearing held at Calcutta on 26-3-1987 Capt. Gangahar, Manager (Marine), Haldia Dock Complex and Shri D. K. Mukherjee, Industrial Relations Officer, Labour Adviser and Industrial Relation Officer's Office, Calcutta Port Trust, were present. Shri D. K. Mukherjee put forward the Management case before the Arbitrator.

15. Shri D. K. Mukherjee stated that the Management's case has been explained in detail in the written statement. He stated that the Launch Crew working in two shifts of 12 hours each. The Shore Crew are not attached to any vessel. The Haldia Dock Tug Crew work round the clock with 5 sets of crew for 2 tugs. He further stated that the work of the Haldia Dock Crew is intermittent and they do not perform night navigational work. But they may have to work in night for certain days for early morning navigational work. He stated that the grounds on which 25 per cent additional allowance was allowed to the Shore Crew and Launch Crew by the Award of the Central Industrial Tribunal dated 4-11-1982 is that they are deemed to be Calcutta-based and in accordance with the Settlement dated 13-1-77, they are entitled to it. He emphasised that the duties performed by the Tug Crew are extraneous to the issue and should not be taken into account in deciding the dispute. He thereafter referred to paragraphs (9), (10) and (11) of the written statement where they have explained in detail the reasons as to why the claim of the Union for the payment of additional allowance of 25 per cent is unjustified. He thereafter referred to the Settlement dated 13-1-1977 and emphasised that even according to this Settlement the crew of the five Haldia Tugs cannot be made eligible for the payment of additional consolidated overtime of 25 per cent. He reiterated that the dispute has to be decided in the light of the criteria prescribed in the said Memorandum of Settlement dated 13-1-77 as explained below :—

- (a) The settlement applies only in respect of vessels/crafts under the D.M.D. and C.M.E.
- (b) The vessels and crafts must be based at Calcutta.
- (c) They must be 'operating within the Port limit', i.e., within the docks and harbour of Calcutta Port on the date of signing the Memorandum of Settlement.
- (d) That there must be change in the existing condition of engagement of these vessels/crafts, i.e., they are to be deployed for work beyond Budge Budge including the works at Haldia.
- (e) The crew members of such vessels/crafts must be in receipt of consolidated overtime allowance at 55 per cent of gross wages and that they must be without the supply of free provision or any meal allowance.
- (f) Such deployment must be occasional for short durations only; and
- (g) The payment of Special Allowance will be on pro-rata basis.

16. He then stated as under :—

"The four tugs 'Ahalya', 'Draupadi', 'Kunti' and 'Tara', were operating at Haldia long before the date of signing of the Memorandum of Settlement. 'Mandodari' was delivered to C.P.T. by her manufacturer in early 1977 and from that time onwards this tug was also working at Haldia. All these tugs are Haldia-based from the respective dates of their commissioning. No change in the condition of the working of these tugs occurred at the material time or thereafter. No change also occurred in the service conditions of the crew members of these tugs since all of them were working at Haldia from the very beginning. The crew members, follow-

ing their posting on these Tugs, were always in receipt of consolidated over time allowance of 67½ per cent of gross wages along with free provision of 26 days compensatory leave in a year. These tugs never worked in Calcutta. These are admitted facts and these will establish and prove that the crew members of Haldia Tugs do not fulfil any of the conditions contained in the Memorandum of Settlement dated 13-1-1977 to make themselves legally entitled to the benefit provided therein. The first sentence in the 'short recital' part of the Memorandum of Settlement dated 13-1-1977 will show that the Union raised the dispute in regard to certain workmen in respect of whom certain changes have been proposed by the Port Management inasmuch as that the vessels and crafts to which these workmen were attached were to be deployed beyond Budget Budge including the works at Haldia. As the Haldia Tugs were already working at Haldia on 13-1-1977, the parties did not sign the settlement for the crew members of Haldia Tugs. This is the clear and admitted position from the Memorandum of Settlement itself. This Memorandum of Settlement, therefore, does not support the case of the Union. Apart from this, item No. 6 of Annexure-I to the Notice of Strike served by the Union under their letter No. A/4/9003 dated 25-4-1983 will show that the Union themselves claimed these Tugs as 'Haldia Craft'. The Memorandum of Settlement was, however, signed for Calcutta-based crafts only. In view of these admitted position, it is very clear that the crew members of Haldia Tugs are not covered by the Memorandum of Settlement dated 13-1-1977. Upon ultimate analysis if it is found that this Memorandum of Settlement does not apply to a workman, they cannot be favoured with the benefit of payment of extra special allowance in addition to the payment of existing consolidated overtime allowance. For this reason alone, the demand of the Union fails."

17. The Award dated 4-11-1982 was given in respect of crew members of launches 'Mahua', 'Mandar' and 'Ketaki' and the Shore Crew posted at Haldia. The Schedule of the dispute embodied in the award itself will show that these crew members were posted at Haldia with effect from 26-2-77, i.e., after the signing of the Memorandum of Settlement mentioned hereinabove. On the date of signing of the mentioned hereinabove. On the date of signing of the in Calcutta. Paragraph 3 of the Award will show that these workmen were in receipt of consolidated overtime allowance at 55 per cent of gross wages both in Calcutta and at Haldia. They were not supplied with provision nor paid Meal Allowance. They, therefore, had some of the conditions, not all, common with the conditions laid down in the Memorandum of Settlement. Be so, however, the Award dated 4-11-1982 does not apply to the concerned crew members of Haldia Tugs as their cases were not referred to the Tribunal. The Award was given on the premises of benefit of doubt. The conclusion and reasoning given in the Award for extending the benefit of the Memorandum of Settlement dated 13-1-77 to the crew members of the launches and the Shore Crew cannot be adopted for extending similar benefit to the crew members of Haldia Tugs for the following reasons :—

- (a) The Memorandum of Settlement dated 13-1-1977 speak of deployment of vessels and crafts. A close reading of the Memorandum of Settlement will make it clear that the Memorandum of Settlement is for the crew members who are posted along with the crafts. The Memorandum of Settlement does not speak of such workmen who are deployed without the vessels. In view of this, the Shore Crew who are not posted along with the vessels and crafts cannot be covered by the Memorandum of Settlement dated 13-1-1977 by any reasoning whatsoever. On misappreciation of the terms of the Memorandum of Settlement dated 13-1-1977, the Tribunal extended the benefit of Special Allowance to the Shore Crew at Haldia.
- (b) The key word 'deployment' in the Memorandum of Settlement dated 13-1-1977 has been misunderstood by the Tribunal and replaced by the word 'transfer'. Deployment means 'to open out' 'to extend' i.e., in the instant case 'move beyond normal zone of operation' line 9, page 9 of our written statement. The change of service condition referred in the Memorandum of Settlement dated 13-1-1977 is for

moving the Calcutta based vessels and crafts beyond their normal zone of operation. On the other hand, the word 'transfer' means 'convey', 'to carry over', 'to bring over' and that is why the expression is distinguishable from the expression 'deployment'. The memorandum of Settlement does not speak of change of service conditions due to transfer. This misinterpretation has obviously been adopted to widen the coverage of the Memorandum of Settlement dated 13-1-1977 to include the crew members of launches and the shore crew at Haldia. No workmen who is transferred from Calcutta to Haldia or at any other places is entitled to any special allowance as mentioned in the Memorandum of Settlement. This will give rise to frivolous demands from known and unknown quarters as in the instant case before the Arbitrator. Since this Award is based on misunderstanding of the specific conditions of the Memorandum of Settlement dated 13-1-1977, this can, at best, be taken as deciding a dispute concerning the crew members of launches 'Mahua', 'Mandar' and 'Ketaki' and the Shore Crew at Haldia but that is the limitation of this Award. The decision given in the Award cannot be used and applied in deciding the cases of other crew members including the crew members of Haldia Tugs. Each reference before the Tribunal and the Arbitrator is a new case and it has to be decided de-novo.

- (c) Since 1985, the award dated 4-11-1982 has ceased to exist in respect of Haldia crafts. The Calcutta Port Shramik Union and Calcutta Port & Shore Mazdoor Union signed a Memorandum of Settlement on 9-1-1985 making the Award inoperative in respect of M. L. Mahua, Mandar and Ketaki. The Union now cannot raise a dispute in respect of Haldia Tugs on the analogy of the award.

18. The claim of the Union that the crew members of Haldia Tugs are performing integrated job and for this reason also they should get 25 per cent additional allowance is extraneous to the subject matter of the dispute. The words 'as was paid to the Shore Crew and Launch Crew' in 1(a) of the specific matter of the arbitration agreement will indicate the dispute was referred for adjudication to see whether on the basis of the Memorandum of Settlement dated 13-1-1977 the crew members of Haldia Tugs are entitled to the additional allowance claimed by the Unions. A combined reading of item Nos. 6 and 9 of Annexure-I of the Notice of Strike given by the Union under cover of their letter No. A/4/9003 dated 24-4-1983 will show that for integrated work at Haldia by the Tug personnel the union was really claiming hardship allowance at the rate of Rs. 10/- per diem. This will also make it clear that Union never demanded additional allowance on the ground of integrated work performed by the workmen. Apart from this, the crew members of the Haldia tugs are not really performing the job different from their counterparts in Calcutta. This has been submitted in detail in paragraph 9 of our rejoinder. The crew members of fire fighting river tug 'Saktiman' and fire fighting dock tug 'Tagore' under the Harbour Master (Port) in D.M.D's section are getting consolidated overtime at the rate of 55 per cent. No provision is supplied to them nor do they get Meal Allowance in lieu of free provision. They also do not get 26 days' Special Compensatory Leave in a year. The quantum and importance of a job are no doubt valuable considerations in assessing the value of the job for the purpose of awarding appropriate pay scales. These are, however, no consideration in adjudging whether or not a set of workmen is entitled to payment of additional allowance.

19. For the purpose of attracting the provisions of the Industrial Disputes Act, 1947, it is necessary that there must be some real dispute between the Management and the Union representing the Workmen. In the instant case, however there was complete satisfaction for more than 9 years on the part of the workmen attached to Haldia Tugs in regard to allowance paid and other facilities provided to them. From 1977 to 1985, the Union did never raise the demand for payment of additional allowance in respect of them although during this period Union raised the demand for such

allowance in respect of other workman at Haldia. The list of important dates are as follows :—

- (a) 13-1-1977—The Memorandum of Settlement was signed with the Calcutta Port Shramik Union allowing the Special Allowance.

6-11-1980—The Government of India in the Ministry of Labour referred to the Central Government Industrial Tribunal at Calcutta the industrial dispute over payment of extra 25 per cent consolidated overtime allowance to the crew members of launches 'Mahua', 'Mandar' and 'Ketaki' and the shore crew at Haldia on the basis of Memorandum of Settlement dated 13-1-1977. Obviously, this reference was made on the basis of the Industrial dispute raised by the Calcutta Port Shramik Union before the Assistant Labour Commissioner (Central), Calcutta, prior to 6-11-1980 and at that time they did not make any prayer for inclusion of crew members of Haldia Tugs. Before the Tribunal also they did not make any prayer for inclusion of the cases of the crew members of Haldia Tugs.

- (b) 4-11-1982—The Award of the Central Government Industrial Tribunal at Calcutta was given and after this date the award implemented.
- (c) 25-4-1983—The Union served a strike notice on the 16-point charter of demands, which also included the demand for payment of 25 per cent additional allowance to the Calcutta-based staff posted at 'Haldia crafts', such as, 'Ashalya', 'Draupadi', 'Kunti', 'Tara', 'Mandodari' and M. L. 'Jawan'.
- (d) 5-5-1984—Discussion with the Union at the level of Chairman on the strike notice served by the Union on 25-4-1983. At that meeting, the Union was informed that the demand for payment of 25 per cent additional allowance to the crew members of the Tugs would not be acceptable as they were not covered either by the award dated 4-11-1982 or by the conditions of service for working at Haldia. The union was also told that such extra payment would have had wide repercussions. The union accepted this position and was satisfied inasmuch as they expressed their desire before the Assistant Labour Commissioner (Central), Calcutta, not to pursue the matter in conciliation proceedings and requested the latter to close the file [the penultimate paragraph of the letter No. 8(9)/83. E-4 dated 12-5-1983 to the Secretary, Government of India Ministry of Labour, New Delhi from the Assistant Labour Commissioner (Central), Calcutta-III].
- (e) 9-1-1985—The memorandum of settlement was signed with Calcutta Port Shramik Union before the Regional Labour Commissioner (Central), Calcutta, in regard to the crew members of launches and motor boats. Under this memorandum of settlement, the crew members of these vessels/crafts were declared to be based permanently at Haldia on being allowed the payment of consolidated overtime allowance at 67½ per cent of gross wages and other concessions.

20. The above will show that during 1977 to 1985 the Union had enough occasion to raise the present demand for payment of 25 per cent additional allowance in respect of the crew members of Haldia Tugs but they did not raise the same. They rejected the payment of 55 per cent consolidated overtime allowance plus 25 per cent Special Allowance plus Meal Allowance (i.e., the benefits of MOS dated 13-1-1977) since they are gainers with 67½ per cent consolidated overtime allowance plus free provision plus 26 days' Special Compensatory Leave in a year. They also enjoy the additional benefit of 5 days' off after 10 days' duty which is not enjoyed by any other crew member.

21. He thereafter referred to the Award of the Central Industrial Tribunal dated 30-12-1986 in respect of the harbour crafts and river crafts of Calcutta Port covered by Ref. No. 17 of 1977 and Ref. No. 44 of 1978. He gene-

rally explained the premises under which the said Industrial Tribunal has revised the rate of consolidated overtime payable to the river going vessels and the harbour crafts of Calcutta Port from 67½ per cent to 73 per cent and from 55 per cent to 58 per cent respectively.

22. Regarding the claim of the Union covered under item 1(b) of the terms of reference to the dispute, i.e., for payment of Above-norm Allowance, Hardship Allowance, Continuous and Estuary Allowance to the crew members of five Haldia Tugs, he stated as under:—

"We have Calcutta-based vessels and crafts. Some of these vessels/crafts work in the harbour, docks and jetties and they do not leave the periphery of the Port. There are other Calcutta-based vessels/crafts which go down the river and these are known as 'outgoing vessels' [the expression appears in paragraph 1(b) of the Union's written statement/river going vessels. Some of them are dredgers, despatch vessels, pilot vessels, survey vessels, research vessels, etc. 'Outgoing' vessels go down the river for certain periods in a month and remain in Calcutta for a few days. During their stay in Calcutta, they remain on duty and their duties include maintenance work, ship keeping duty, collection of stores, etc. They are allowed duty off for a night on alternate days at 4.00 P.M. For example, the river-going dredgers sail down the river for 15 days in each trip and remain in Calcutta for 3 days. During the dredgers' stay in Calcutta, the crew members will remain on duty for various purposes stated hereinabove and will be granted duty off for night at 4.00 P.M. on alternate day. During the spot verification at Haldia, it was revealed that the Haldia Tug do not move beyond the periphery of Haldia Docks. During night, they stay at the docks. The Haldia Tugs are not 'outgoing' vessels. In fact, there is no 'outgoing' vessel at Haldia. In a fortnight, the crew members of the Haldia Tugs are on duty for 10 days and are off duty for 5 days. During these 5 days they are free to enjoy their leave which is not the case with the crew members of 'outgoing' vessels in Calcutta. For these reasons, no comparison can be drawn between the crew members of Haldia Tugs and the crew members of different outgoing vessels in Calcutta. Paragraph 1 and 2 of the written statement of the Union will reveal that the Above-norm Allowance is paid only to the crew members of outgoing dredgers. Continuous Dredging Allowance is paid to the crew members of Dr. 'Churni',—an outgoing dredger. Estuary Dredging Allowance is paid to the crew members of Dr. Mohana and Dr. Mahaganga,—which are outgoing dredgers. Hardship Allowance is paid to the crew members of pilot vessels and despatch vessels,—the outgoing vessels. The allowances which are extended to the crew members of 'outgoing' vessels only, cannot be claimed by the crew members of Haldia Tugs which operate only in the periphery of the dock system.

23. In paragraph 8 of our written statement, we have explained the specific reasons for granting each of the special allowances, i.e., the Above-norm Allowance, Hardship Allowance, Continuous Dredging Allowance and Estuary Dredging Allowance. In paragraph 2 and 11 of the written statement, the Union have spoken of these allowances but they have not given a single reason stating why all or any of such allowances should be extended to the crew members of Haldia Tugs. It is reiterated that since the crew members of dredgers going down the river were subjected to the revised routine of trips of 15 days out and 3 days in, they were granted Above-norm Allowance following a Memorandum of Settlement signed with the Union. There has been no change in the route of crew members of Haldia Tugs. Pilot vessels are stationed at Standheads where open sea condition prevails. The crew members of Haldia Tugs do not work in such condition. Despatch vessels are used for maintenance of all navigational aids in the river as also for maintenance of some of the shore marks. These vessels are called upon to give assistance to sea-going vessels when they are a ground or otherwise in difficulties. These vessels are also required for looking the lost anchors and salvaging them when located. For these duties, the crew members of the despatch vessels are to remain on alert while in town, day and night, for

being ready to sail down the river at two hours' notice for rescue work in emergencies. The crew members of pilot vessels and despatch vessels are paid Hardship Allowance during their active duties down the river. The crew members of Haldia Tugs are not required to perform any such duty. Continuous dredging allowance is paid to the crew members of Dredger 'Churni' where work is carried on in three shifts. Since work is carried on in three shifts, the crew members, who are off duty, cannot take proper rest at any hour of the day and night due to sound of dredging. Dredgers Mohana and Mahaganga being placed at estuary, the crew members of these dredgers are also subjected to open sea condition apart from the inconveniences experienced by the crew members of dredger 'Churni'. The crew members of Haldia Tugs do not work in these adverse conditions. For these reasons, the working conditions of the crew members of Haldia Tugs cannot be compared with the working conditions of the dredgers, pilot vessels, despatch vessels, light vessels, etc., and they cannot be allowed the Above-norm Allowance, Hardship Allowance, Continuous Dredging Allowance and Estuary Dredging Allowance, as claimed by them. In fine, the conditions of work of 'outgoing' vessels and Haldia Tugs cannot be compared. The crew members of the 'outgoing' vessels while down the river cannot come to shore for days together but the crew members of Haldia Tugs do always come to the shore except when they are engaged in operational work, such as, turning and towing the vessels. No fire fighting tugs do get any such allowance nor any other vessel and craft except mentioned in paragraph 8 of our written statement."

24. He then explained that a reading of item 1(b) of the specific matter in the arbitration agreement will make it clear that this demand is only for prospective effect. As regards the claim at item 1(a) of the specific matter of the arbitration agreement, he stated that the Union raised the claim for payment of additional allowance only in 1985 without showing any reason as to what prevented them to raise this claim in 1977. Relying on the ratio of Supreme Court in the case of Workman of New Egerton Mills and New Egerton Woollen Mill and others as reported in Labour Law Journal, 1969 (II) at page 782, it is submitted that in the matter of awarding retrospective operation of the Award, the Tribunals have only the discretion to fix any intermediate date between the date of demand and the date of award. A photocopy of the judgement is enclosed, where the relevant lines have been sidelined. For this reason also, no retrospective effect of the award can be given. In our written statement in paragraph 5, page 4, a statement has been given showing the periods the tugs were laid off for repairs and other purposes. The workman cannot have any claim for payment of these allowances during the periods the tugs were laid off in Calcutta on being out of commission and other purposes. During the hearing on 16-4-1987 it was explained that the claims of the Union for payment of Rs. 25 per cent additional allowances would entail expenditure Rs. 59 lakhs approximately for the claims as at 1(a) and 1(b) of the specific matter of the arbitration agreement would be about Rs. 22 lakhs in respect of crew members of Haldia Tugs. Calcutta Port Trust has no financial capacity to bear this burden."

25. In paragraph 12 of our written statement it has been submitted that there will be wide repercussion if any of the demands of the Union is acceded to. In fact, the crew members of all the outgoing vessels and shore stations who perform 24 hours duty without any off as in the case of Haldia Tugs (5 days off after 10 days duty) will claim extra 25 per cent additional allowance from 1-1-1977. The crew members of these vessels and shore stations were being paid consolidated overtime at 67½ per cent or 55 per cent (i.e., before the publication of the award in Ref. 17 of 1977). The actual monthly expenditure in 1987 for payment of consolidated overtime at 67½ per cent/55 per cent is as follows:—

For the crew members with
55 per cent consolidated overtime .. Rs. 7.25.225

For the crew members with 67½ per
cent consolidated overtime .. Rs. 11.81.137

Increase in the monthly bill for payment of extra additional allowance at 25 per cent of gross wages will be Rs. 7.65.925.

This works out to an annual expenditure of about Rs. 92 lakhs. The arrears payment for the period from 1-1-1977 to 31-3-1987 will be in region of Rs. 7.30 crores. The crew members of pilot vessels, despatch vessels, light vessels who now only get hardship allowance will also be claiming continuous dredging allowance, estuary dredging allowance and above-norm allowance. The crew members of 'Churni' will also be claiming estuary dredging allowance and hardship allowance and the above-norm allowance. Similarly, the crew members of dredgers, Mohana and Mahaganga will be claiming separate continuous dredging allowance as also the hardship allowance. The crew members of other river-going vessels and shore stations will be claiming all these allowances, namely, above-norm allowance, hardship allowance, continuous dredging allowance and estuary dredging allowance. Taking that estuary dredging allowance will be paid for 20 days in a month to the crew members, who are not getting the same, now and similarly, taking the above-norm allowance and hardship allowance will be paid for 10 days and 20 days in a month respectively, the estimated expenditure will be as follows:—

Estuary dredging allowance	...Rs. 64,800 per month.
Above-norm allowance	...Rs. 4,80,000 per month.
Hardship allowance	...Rs. 92,400 per month

The total annual expenditure on the above heads will be in the region of Rs. 76,46,400 or say Rs. 76.5 lakhs. In other words, the annual expenditure to meet the demands at 1(a) and 1(b) of the specific matter in the arbitration agreement in respect of outgoing vessels and shore stations will be to the tune of Rs. 92 lakhs plus Rs. 76.5 lakhs equal to Rs. 1.7 crores. The crew members of tugs, launches, motor boats, mooring crew, etc., under the Harbour Master (Port) and other crew members attached to the crane vessels under C.M.E. who are port-based like Haldia Tugs, will also raise the demands at 1(a) and 1(b) of the arbitration agreement. The total number of workmen in the crafts are about 1.6 times higher than the number of crew members in outgoing vessels and shore stations. The estimated annual expenditure for them will roughly come to Rs. $1.7 \times 1.6 =$ Rs. 2.7 crores. Apart from this shore crew and launch crew of Haldia Dock Complex will also go for these demands. The repercussion may not end in Calcutta Port alone. The workmen of other major ports, especially where tugs are engaged, will also raise the same or similar demands as in 1(a) and 1(b) of specific matter of arbitration agreement. An Award acceding any of the demands of the Union will generate chain reactions in other ports.

AWARD

26. I now deal with the two parts (a) and (b) under the terms of reference to the dispute separately. In the first instance, I deal with part 1(b), i.e., the demand for payment of Above-norm Allowance, Hardship Allowance, Continuous and Estuary Dredging Allowance, as pair to the crews of the Calcutta Port Trust vessels, viz., Dredgers, Despatch and Pilot vessels, etc., to the crew of the five Haldia Tugs.

27. The main premise under which the Unions have claimed the payment of above allowances to the crew members of the 5 Haldia Tugs under the terms of reference to the dispute is that they are performing variety of tasks. It may be observed from the submission of the Management that these allowance are paid to the crew of the marine crafts of Calcutta Port Trust based on certain specific criteria, circumstances and conditions. The circumstances, the criteria and the conditions under which these allowances are paid to these categories are totally absent in respect of the crew members of five Haldia Tugs. I am in entire agreement with the Management submission that these allowances are not payable to the crew members of 5 Haldia Tugs. The claims of the Union that they should be paid these allowances in view of the integrated tasks performed by them is untenable and cannot be supported. I, therefore, reject this claim of the Union and award accordingly.

28. I now deal with the claim of the Union under item 1(a) under the terms of reference to the dispute. The main premise under which the Union has claimed the payment of 25 per cent additional allowance to the crew members of the 5 Haldia Tugs, viz., 'Ahalya', 'Droupedi', 'Kunti', 'Tara'

and 'Mendodari', is that the crew members of the said five tugs should be deemed to be Calcutta-based for the following reasons:—

- (i) The crew members continue to retain their lien in Calcutta Port Trust.
- (ii) The crew members are ranked along with the marine crew of the Calcutta Port Trust for the purpose of seniority and promotion.
- (iii) The crew members have to go to Calcutta every month to receive their pay and allowances.
- (iv) The Award of the Industrial Tribunal dated 4-11-1982 (in Ref. No. 88 of 1980) has for similar consideration, giving the benefit of doubt to the employees, gave an award in favour of the shore crew and launch crew of the Haldia Dock Complex with regard to the payment of 25 per cent additional allowance.
- (v) The crew members of the 5 Haldia Tugs perform a variety of integrated tasks.
- (vi) The manning standards in other crafts and the hours of working of the harbour and river crafts of Calcutta Port Trust when compared, for the 5 Haldia Tugs, only 14 shift crew have been provided and they are working 24 hours continuously on ten days 'on' and 5 days 'off' basis.
- (vii) That under the terms of settlement entered into by the Union with the Calcutta Port Trust's Management on 13-1-1977, the crew members of the 5 Haldia Tugs should be deemed to be Calcutta-based and be paid the additional special allowance of 25 per cent.

29. The Management, on the other hand, have contended that the crew members of the 5 Haldia Tugs are not eligible for the 25 per cent special allowance for the following reasons:—

- (a) The 5 Haldia Tugs never functioned in Calcutta ever since their commissioning and they were in operation only in Haldia.
- (b) The Award of the Industrial Tribunal dated 1-11-82 (in Ref. No. 88 of 1980) is restrictive only to the employees referred to under the terms of reference to the said Award and cannot be given universal application and taken into consideration in deciding the dispute under the terms of reference to the present arbitration.
- (c) The wordings used in the Settlement dated 13-1-1977 referred to by the Union are very specific in that the additional 25 per cent allowance is payable to the crew of the river crafts of the Calcutta Port Trust only for such of the days when they are deployed for work beyond Budge-Budge including Haldia.
- (d) Considering this aspect as against the 55 per cent consolidated overtime payable to the harbour crafts of Calcutta Port Trust, the crew members of the 5 Haldia Tugs are already receiving better benefits as detailed below :—
 - (i) 67 1/2 per cent of gross wages as consolidated overtime.
 - (ii) 26 days special leave.
 - (iii) Free provisions on board the vessels for the days they are on duty.
 - (iv) Facility of ten days continuous work with five days 'off plus' 2 or 3 days 'duty-off' every month when they go to Calcutta to receive their salary.
- (e) If the argument of the Union that they are Calcutta based is conceded, it would lead to serious repercussions among the employees and workmen in Haldia who were previously working in Calcutta.

(f) Though under the Award of the Industrial Tribunal dated 4-11-1982 (Ref. No. 88 of 1980) the Launch Crew of the Haldia Port were made eligible for additional 25 per cent consolidated overtime (in addition to 55 per cent which the Launch Crew were already in receipt), the Union to the present dispute have by a Memorandum of Settlement dated 9-1-1985 agreed to treat the Launch Crew of the Haldia Dock Complex as Haldia-based and receive 67-1/2 per cent of the gross wages towards consolidated overtime as against 80 per cent which they were receiving till then (55 per cent already in receipt plus 25 per cent on the basis of the Award of the Central Industrial Tribunal dated 4-11-1982 (Ref. No. 88 of 1980). Hence if the present demand of the Union is conceded, it would reopen the issues already settled.

(g) That in another Award of the Central Industrial Tribunal at Calcutta dated 30-12-1986 (Ref. No. 17 of 1977 and 44 of 1978), the harbour crafts of Calcutta Port which go beyond Budge Budge and Haldia have been made eligible only for 73 per cent of gross wages towards consolidated overtime as against 67-1/2 per cent which they were in receipt and conceding a higher benefit to the Haldia Tug crew who do not normally go beyond Haldia Dock Complex would upset the parity and create repercussions.

30. As regards the claim of the Union that the additional 25 per cent allowance should be paid to the crew members of Haldia Tugs retrospectively from 1977, the representative of the Management quoted several earlier minutes of discussion, memorandum of settlement/understanding reached before the Regional Labour Commissioner (Central) wherein the Union agreed to drop this claim and that the claim was de-novo raised for the first time only in 1985. The representative of the management also referred to the legal pronouncements, under which, the Arbitrator cannot give an award in respect of a claim from a date prior to the date on which the claim was raised for the first time. The Management's representative, therefore, emphatically stated that even by any chance the Arbitrator is inclined to agree with the contention of the Union, his Award can be only from any date after the claim was raised for the first time by the Union, viz., in 1985 to the date of his Award and it cannot have retrospective effect from 1977 as claimed by the Union.

31. I have examined the contentions of the Union and the Management. For the purpose of understanding the entitlement of the Marine crew of the Haldia Dock Complex is as under :—

(A) Haldia Dock Complex—Tugs 'Ahalya', 'Kunti', 'Tara', 'Droupadi' and 'Mandodari' :

- | | |
|---|---|
| (a) Percentage of gross wages paid as consolidated rates of overtime. | 67-1/2 per cent of the gross wages. |
| (b) Other benefits | Free provisions for the day they are on duty.
26 days special leave per annum. |
| (c) Type of deployment and 'off-days'. | Within the Haldia Dock Complex— <ol style="list-style-type: none"> 1. Normally they do not go beyond the harbour limits; 2. For turning and towing of vessels within the harbour limits; 3. Ten days 'on' and five days 'off'. |

(B) Launch Crew of Haldia :

(1) Up to the time of signing of the Memorandum of Settlement dated 9-1-1985 :

- | | |
|--|---|
| (a) Percentage of gross wages paid as consolidated overtime. | 80 percent of the gross wages. |
| (b) Other benefits | Cash allowance in lieu of free provisions.
No special annual leave. |
| (c) Type of deployment and off-days. | Within Haldia Dock Complex—
1. Normally they do not go beyond the harbour limits.
2. 12 hour shift. |

(2) Launch crew of Haldia—From 9-1-1985 :

- | | |
|--|---|
| (a) Percentage of gross wages paid as consolidated rates of overtime | 67½ percent of the gross wages. |
| (b) Other benefits | Free provisions for the days on duty.
26 days special leave per annum. |
| (c) Type of deployment and off-days. | Round the clock and round the week operation. |

(C) Shore crew of Haldia :

(1) Those recruited at Calcutta and transferred to Haldia :

- | | |
|---|---|
| (a) Percentage of gross wages paid as consolidated rates of overtime. | 80 per cent of the gross wages. |
| (b) Other benefits | Cash Allowance in lieu of free provisions.
No special leave. |
| (c) Type of deployment and annual off-days. | On 12 hours shift. |

(C)(2)—Shore crew recruited in Haldia itself :

- | | |
|---|---------------------------------|
| (a) Percentage of gross wages paid as consolidated rates of overtime. | 55 per cent of the gross wages. |
| (b) Other benefits | No special leave. |
| (c) Type of deployment and annual off-day. | 12 hours shift. |

Though there are differences in the matter of supply of free provision and special leave, the fact remains that the Launch Crew were in receipt of consolidated overtime at 80 per cent of gross wages upto the date of signing of the Memorandum of Settlement dated 9-1-1985 (the Launch Crew and Shore Crew were made eligible for the additional 25 per cent consolidated overtime (they were previously getting only 55 per cent of the gross wages as consolidated overtime retrospectively from 1977 by the Award of the Central Industrial Tribunal dated 4-11-1982—Ref. No. 88 of 1982)).

32. The Calcutta Port Shramik Union has under the Memorandum of Settlement dated 9-1-1985 agreed for treating the Launch Crew of Haldia as Haldia-based and to reduce the consolidated overtime from 80 per cent to 67-1/2 per cent with free provision for the days of duty and 26 days special leave per annum. Similar changes in respect of shore crew, it is understood, is under discussion with the Union.

33. The argument of the Management is that the five Haldia Tugs are Haldia-based. This is never under dispute. Though the crafts were Haldia-based, the fact remains that the crew are to be treated as Calcutta-based for the reasons stated below:

- (i) The crew members of the 5 Haldia Dock Tugs continue to retain their lien in the Calcutta Port Trust.
- (ii) The crew members are ranked along with Marine Crew of the Calcutta Port Trust for the purpose of seniority and promotion.
- (iii) The crew members have to go to Calcutta every month to receive their pay and allowances.

In this connection it is also relevant to point out that the Shore Crew and Launch Crew of Haldia Dock Complex do not go to Calcutta every month to receive their salary, yet they have been treated as Calcutta-based for the purpose of entitlement of additional 25 per cent consolidated overtime by the Award of the Central Industrial Tribunal dated 4-11-1982 (Ref. No. 88 of 1980). Since they are being deployed for the entire month at Haldia, the claim of the Union for the payment of 25 per cent additional allowance for the entire month cannot also be held untenable. However, the Union, during the previous negotiations and Memorandum of Understanding before the Regional Labour Commissioner (Central) has given up this claim and has raised de-novo for the first time this claim only during 1985 when the Haldia Port Authorities proposed to make the Tug Crew as Haldia-based. Considering all these aspects there is a merit in the claim of the Union for the grant of additional consolidated overtime though not at 25 per cent. Taking into account the relevant factors, I consider that the crew of the 5 Haldia Tugs, viz., 'Abalya', 'Kunti', 'Tara', 'Draupadi' and 'Mandodari' under the terms of reference to the dispute can be made eligible for additional 12-1/2 per cent of the gross wages as allowance from the date the claim was raised for the first time de-novo in 1985. In deciding this date of award, I have kept in mind the observations of the Industrial Tribunal where they have treated the date of demand and the date of award as two extreme points for an Arbitrator to make his award on any dispute involving financial implications.

34. As regards the question of repercussions raised by the management, if the claim of the Union is conceded it is stated that any concession now given to the crew of the 5 Haldia Tugs in the matter of enhancing the consolidated overtime should not have any repercussions since the Launch Crew of Haldia for having agreed to reduce the quantum of consolidated overtime from 80 per cent to 67-1/2 per cent from 9-1-1985, have been given additional concessions of (a) supply of free provisions in lieu of cash allowance and (b) 26 days special leave per annum.

35. As regards the repercussions in respect of crew of Calcutta Harbour and River Crafts it is to be held that any concession now given to the crew of the 5 Haldia Tugs should not have repercussion among the crew of the Calcutta Port river and harbour crafts since their conditions of service, manner of deployment and hours of employment are different from those of the crew of the 5 Haldia Tugs. Further the entitlement of the 5 Haldia Dock Tugs Crew should be compared with similarly placed marine employees in Haldia and any comparison with the crew of the Calcutta Port Crafts (river and harbour) is not relevant.

36. Summarised I make the following Award in respect of the crew of 5 Haldia Tugs, viz., 'Abalya', 'Kunti', 'Tara', 'Draupadi' and 'Mandodari'.

37. As regards their claim for payment of 25 per cent additional allowance referred to under the item 1(a) under the terms of the reference to the dispute, the crew of 5 Haldia Tugs viz., 'Abalya', 'Kunti', 'Tara', 'Draupadi' and 'Mandodari' are eligible for an additional 12-1/2 per cent allowance from the 1st of February, 1985. This additional 12-1/2 per cent allowance will be calculated on the gross wages on which the present payment of 67-1/2 per cent consolidated overtime is being worked out. I, therefore, give my award accordingly.

38 The above Award is, however, subject to the following conditions :—

- (i) The Union should not raise any dispute with regard to Launch Crew of Haldia, re-opening the terms of Memorandum of Settlement dated 9-1-1985, since under this Memorandum of Settlement for having agreed to reduce the quantum of consolidated overtime from 80 per cent to 67-1/2 per cent of gross wages, the Launch Crew have been made eligible for two additional benefits like (a) free provisions and (b) 26 days special leave per annum.
- (ii) When the crew of the 5 Haldia Tugs, viz. 'Ahalya', 'Kunti', 'Tara', 'Draupadi' and 'Mandodari' are made Haldia-based after negotiations with the Union, the payment of 12-1/2 per cent additional allowance awarded by me should cease.

39. Concluding I would like to express my sincere thanks to the members representing the workmen and that of Management for having elucidated their case in clear and unambiguous terms in a very cordial and congenial atmosphere.

Madras,

25th May, 1987.

ASHOKE JOSHI, Chairman,
Madras Port Trust and
Arbitrator

[No. L-32013/1/86-D.IV(A)]

K. J. DYVA PRASAD, Desk Officer

नई दिल्ली, 3 जून 1987

का.श्रा. 1569 :—औद्योगिक अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तैतुलमारी कोलपरी, क्षेत्र नं 5, मैसर्स भारत कोकिंग कोल लिमिटेड के प्रबन्धन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या 1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25 मई, 1987 को प्राप्त हुआ था।

New Delhi, the 3rd June, 1987

S.O. 1569.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Tetulmari Colliery in Area No. V of M/s Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on the 25th May, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Sec. 10(1)(d) of the Industrial Disputes Act, 1947
Reference No. 59 of 1983

PARTIES :

Employers in relation to the management of Tetulmari Colliery in Area No. V of Messrs Bharat Coking Coal Ltd.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers : Shri G. Prasad, Advocate.

For the Workmen : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar

INDUSTRY : Coal.

Dhanbad, dated, the 18th May, 1987

AWARD

By Order No. L-20012(117)83-D.III(A) dated the 17th August, 1983, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by Clause (d) of Sub-Section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :—

"Whether the demand of the workmen of Tetulmari Colliery of Messrs Bharat Coking Coal Limited, for promotion of the Grade-II Clerks mentioned in the Annexure below as grade-I clerks in terms of the management's promotion policy for ministerial cadre, of the 20th June, 1977, from the date on which these workmen had been superseded by promotion of their juniors is justified? If so, to what relief are the workmen concerned entitled?"

ANNEXURE

- | | |
|-----------------------------|-----------------------------|
| 1. Shri Dhanpati Das | Bill Clerk, Grade II. |
| 2. Shri Maniklal Chatterjee | Bill Clerk, Grade II. |
| 3. Shri Manoharlal Manon | P.F. Clerk, Grade II. |
| 4. Shri Navendra Singh | Bill Clerk, Grade II. |
| 5. Shri Zaffar Hussain | Bill Clerk, Grade II. |
| 6. Shri Surikant Tiwary | P.F. Clerk, Grade II. |
| 7. Shri Rabi Ch. Singh | Bill Clerk, Grade II. |
| 8. Shri Kishorilal Sharma | Bill Clerk, Grade II. |
| 9. Shri A. K. Sinha, | Attendance Clerk, Grade II. |

2. The case of the concerned workmen, namely, S/Shri Dharapadi Das, Maniklal Chatterjee, Navendra Singh, Zaffar Hussain, Rabi Ch. Singh and Kishorilal Sharma—all Bill Clerks Grade II Manoharlal Manon, P.F. Clerk Grade II and A. K. Sinha, Attendance Clerk Grade II, is that they have been working in the Tetulmari Colliery of M/s. Bharat Coking Coal Ltd. and that all of them have been working as Grade II Clerks. It has been alleged by them that the management has violated the promotion policy for ministerial cadre dated 20-6-77 and had given promotion to their juniors by superseding them. In the circumstance the workmen concerned have raised the dispute mentioned above which has been referred to this Tribunal for adjudication by the Central Government.

3. The management, in the written statement, has contended that promotion is a function of the management and that the Tribunal cannot consider the merits of various employees and consider whom to promote and whom not to. It has been further contended by the management that whether a particular employee shall be promoted from one grade to a higher grade depends not only on the length of service but also on the efficiency and other qualification of the particular workman for the post to which he seeks to be promoted and that in the matter of promotion the intimate knowledge of higher authorities empowered to promote has a greater value. Besides the determination of the size of the working force in a particular grade or category is the exclusive right of the management. It is also contended that no retrospective effect can be given to an award to any period prior to the date on which the specific demands which resulted in the industrial dispute are made. It is submitted by the management that all the nine workmen have since been promoted as Grade I Clerk with effect from 1-8-83 and have been given notional seniority with effect from 1-4-1983 by order dated 29-8-1983.

4. By a petition under Rule 10B(1)(c) of the Industrial Disputes (Central) Rules, 1957 the management has submitted that the workmen concerned, by Office Order No. GM/SA/PO/3A/4876-83 dated 29-9-1983 have been given promotion to Clerk Grade I and thus the demands of the workmen have been fully met. It is contended that since the demand of the workmen has been fully met the reference has become infructuous and the above petition be considered as part of the written statement.

5. The petition in question duly came up for consideration before my predecessor in office on 12-3-84 but no effective order was passed thereon.

6. Since the petition embodies the statement of facts relating to the issues as included in the order of reference, there can be no reason not to treat it as a part of the written statement of the management in answer to the demand of the workmen concerned.

7. It is irrefragable position that the workmen concerned had so long been working in Tetumari Colliery of M/s. B. C.C. Ltd. as Clerks Grade II. There is no dispute that the management framed promotion policy for ministerial cadre as far as back as 20-6-1977. It has been alleged by the workmen concerned that in violation of the promotion policy the management had promoted the workmen junior to them in service and thereby they have been superseded. The order of reference has not spelt out the specific date from which the workmen concerned have been superseded and their juniors were promoted by superseding their claims for promotion. The workmen concerned have not furnished the date of their supersession nor has the management furnished the date, but upon the pleading it is evident that the workmen concerned were superseded.

8. The management has taken the plea that promotion is a matter of its exclusive preserve and that whether a particular employee should be promoted from one grade to a higher grade depends not only on the length of service but also on his efficiency and other qualifications for the post to which he seeks to be promoted. There can be no dispute that the matter of promotion shall be decided by the management, but the Tribunal has every right to look into the circumstances as to whether the decision of the management has been made fairly and judiciously. The workmen concerned in the present reference have alleged that the management has deviated from the promotion policy framed by it and promoted workmen junior in service by superseding him. Thus it is evident that the management did not give effect to its promotion policy insofar as the workmen in question are concerned. It has not been explained by the management as to why the workmen concerned were not promoted as Grade I Clerks.

9. However, it has been emphatically stated by the management that the workmen concerned have been promoted as Grade I Clerks with effect from 1-8-1983 and that they have been given notional seniority with effect from 1-4-1983. This statement of the management has not been affirmed by the representative of the workmen at the time of hearing. That being so, it can be safely contended that the workmen concerned have been promoted to Grade I Clerks with effect from 1-8-1983 and that they have been given notional seniority with effect from 1-4-1983. Since no specific date has been provided by the workmen concerned as to their eligibility for promotion from a date earlier to 1-8-1983 and notional seniority earlier to 1-4-1983, their claim for promotion to the post of Clerk Grade I to any date earlier to 1-8-1983 and notional seniority earlier to 1-4-1983, is hereby rejected.

10. In the result, the reference under consideration is disposed of on the terms that the order of the management in giving promotion to the concerned workmen as Clerks Grade I with effect from 1-8-1983 and notional seniority with effect from 1-4-1983 is in order. The claim of the workmen concerned for promotion as Clerks Grade I to any date earlier to 1-8-1983 is hereby rejected.

11. In the circumstances of the case there will be no order for costs.

S. K. MITRA, Presiding Officer

[No. L-20012/117/83-D. II(A)]

P. V. SREEDHARAN, Desk Officer

नई दिल्ली, 3 जून, 1987

का. प्र. 1570.—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) के प्रा. 17 के अनुसरण में केन्द्रीय सरकार-वेस्टर्न कोल्फील्ड्स की बैंकी कोलियरी के प्रबंधन से सम्बन्धित नियोजकों और उनके कर्मचारियों के बीच, प्रारम्भ में निम्नलिखित प्रौद्योगिक विवाद में केन्द्रीय सरकार प्रौद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-87 को प्राप्त हुआ।

New Delhi, the 3rd June, 1987

S.O. 1570.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Banki Colliery of Western Coalfields Limited, and their workman, which was received by the Central Government on the 21st May, 1987.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(52) of 1985

PARTIES :

Employers in relation to the management of Banki Colliery of Western Coalfields Limited, P.O. Bankimongra, District Bilaspur (M.P.) and their workman Shri Mahatar S/o Shri Baiman, Loader, C/o Rambilash Shobhnath, General Secretary, Chattisgarh Khadan Karkhana Mazdoor Union, Post Office Bankimongra, District Bilaspur (M.P.)

APPEARANCES :

For Workman—Shri Rambilash Shobhnath,

For Management—Shri P. S. Nair, Advocate.

INDUSTRY : Coal Mining DISTRICT : Bilaspur (M.P.)

AWARD

Dated : May 15, 1987

The Central Government in the Ministry of Labour by Notification No. L-22012(54)/84-D.V dated 27th June, 1985, referred the following dispute, for adjudication :—

"Whether the action of the Sub-Area Manager, Banki Colliery of Western Coalfields Limited, in terminating the services of Shri Mahatar S/o Shri Baiman, Loader of Banki Colliery with effect from 15-5-1982 is justified? If not, what relief the workman is entitled to?"

2. Non-controversial facts of the case are that the workman, Shri Mahatar, was working as piece rated Loader in the Banki Colliery of the Western Coalfields Limited. He was issued a charge-sheet on 20-10-1981 that he had absented from his duties from 1-7-1980 till date without any intimation or permission of the competent authority. Therefore he has miscondacted himself and alleged to have committed breach of certified Standing Orders 17(1)(n), and further stated that even otherwise also his above conduct comes under the general meaning of the word 'Misconduct'. The workman showed cause, but it was decided to hold a domestic enquiry against him. Accordingly Enquiry Officer was appointed on 3-11-1981 (Ex. M/3) who conducted the enquiry and submitted his report. On his report his services were terminated with effect from 15th May, 1982. Hence this reference.

3. The case of the workman further is that he is illiterate and does not know his rights. On 1-7-1980 he suddenly fell ill for about a week in his house, village Shuklakhar a place about 8 Kms. from the colliery. There being no Doctor he was treated domestically. After a week he went to resume his duties but he was refused and was asked to produce a medical certificate. He went a number of times to the management that he be taken back on duty but he was not so taken. Ultimately after a year he was given a charge-sheet on 20-10-1981. He gave an application the same day that he be allowed on duty though he had appeared for the same before also. Therefore a show of domestic enquiry was made and Shri S. K. Khare, Security Officer was appointed for the same. On 2-12-1981 he applied to the Enquiry Officer that either he be allowed on duty or he be suspended or dismissed from service and he also claimed copies of Standing Orders etc. But his request was turned down and he was dismissed from service.

4. The case of the management is that he absented from his duties without any intimation or permission with effect from 1-7-1980 for over a year. Ultimately a charge-sheet

was issued to him and domestic enquiry was held against him. The workman and his co-worker participated in the enquiry proceedings. The workman had admitted misconduct yet evidence was taken against him to prove the case. From the admission and evidence the enquiry officer found the charges proved. As such he submitted his report and on his report the competent authority passed the order of dismissal. The enquiry was conducted according to the principle of natural justice and the punishment awarded is adequate looking to the nature of charge.

5. This Tribunal framed the following issues and treated Issue Nos. 1 to 3 as preliminary :—

ISSUES

1. Whether the enquiry is proper and legal ?
2. Whether the management is entitled to lead evidence before this Tribunal ?
3. Whether the punishment awarded is proper and legal ?
4. Whether the termination of the workman is justified on facts of the case ?
5. Relief and costs ?

6. In support of his case the workman filed his affidavit and the management has examined Shri S. K. Khare, Enquiry Officer who proved the enquiry papers. I have heard parties and my findings on Issue Nos. 1 to 3 are as under.

FINDINGS WITH REASONS :

7. Issue Nos. 1, 2 & 3 :—First question that arises for consideration before me is whether the plea and the affidavit of the workman is true that from 1-7-1980 he was lying ill in his home town for about a week and thereafter he came to resume duties but the management did not allow him to resume the same for nearly a year.

8. In order to support the above, the Union representative has also relied on the reply to the show cause notice dated 20-10-1981 and 2-12-1981 of the workman. Firstly I find that it is not proved that these were replies which were given to the management. Secondly these replies are themselves so belated that they do not support the plea of the workman that he appeared to resume his duty within a week from 1-7-1980. On the other hand, management had added its record in the domestic enquiry proceedings (Ex. M/5) which goes to show that he was absent after 1st July 1980 till 28-7-1981.

9. Next it has been pointed out that in these enquiry proceedings the co-worker of the workman (page 6 of Ex. M/5) had pleaded that the workman had gone mad therefore he was treated by the local medicine and when he became alright he came to resume his duties with the certificate of Gram Panchayat. No such certificate is on record. Contrary to this and the pleading of the workman the workman himself in the same page had given a different story in the following words :—

"JULY 80 ME MERI MA BIMAR PADI USI ME USE BISHANPUR MAI LE GAYA VAHAN BAIGA SE DIKHAYA AVAM JADI BUTI SE UPCHAR KIYA GAYA. LEKIN VOH ACHCHI NAHIN HUIN AUR SITAMBAR MAH ME SWARGVAS HO GAI MA KE SWARGVAS KE DUKH SE MERA MATHA KHARAB HO GAYA."

This plea bites the pleading and his case before this Tribunal. It also belies that he initially fell ill and that he came back to resume his duties within a week. Thus I find it difficult to believe the affidavit of the workman. In the circumstances the finding of the Enquiry Officer on the basis of record appears to be proper.

10. Learned Union representative has contended that the workman had sought the Standing Orders which were not supplied to him before the enquiry. Therefore he has not

been afforded a proper opportunity to defend himself in this connection. It is pertinent to note that the workman has admitted the misconduct, therefore it was not even necessary for the Enquiry Officer to take evidence and proceed with the domestic enquiry. In the circumstances, it cannot be said that any prejudice has been caused to the workman by not furnishing him with the copy of the Standing Orders. Therefore, and that the enquiry is proper and legal and therefore the necessity of management proving the misconduct before this Tribunal does not arise.

11. Now the question only remains whether the punishment awarded is proper and legal. The charge against the workman was that he was absent for a long period i.e. about a year. But from the record I find that the management also slept over the matter for nearly a year before issuing a charge-sheet. The explanation offered by the workman for his absence may not have been consistent but the fact remains that he had some reason to be absent. The workman during domestic enquiry has also admitted his guilt. In the circumstances, punishment of dismissal appears to be rather harsh and improper. He could have been reinstated without any back wages and other benefits. To my mind, the above punishment will meet the end of justice and will be proper and legal.

12. Next question arise from what date he is entitled to be reinstated and what wages be allowed to him. I am of the opinion that since the misconduct has been proved and it has been upheld by this Tribunal also and the workman on whom the burden was adduced no evidence that he was nowhere usefully employed he is not entitled to the back wages till the date of this order. However he will be entitled to the continuity of service with effect from 15-5-1982 for the purpose of seniority only. Further more the record shows that after his termination on 15-5-82 the workman slept over the matter for a long time until the reference was made in the year 1985. Therefore also he is not entitled to back wages on account of these laches. Consequently I decide Issue Nos. 1, 2 & 3 accordingly and answer the reference as under :—

That the action of the Sub-Area Manager, Banki Colliery of Western Coalfields Limited, in terminating the services of Shri Mahatar S/o Shri Balman, Leader of Banki Colliery with effect from 15-5-1982 is not justified being harsh and excessive. He is therefore, entitled to be reinstated with continuity of service for the purposes of seniority only but without back wages till the date of this award. No order as to cost.

V. S. YADAV, Presiding Officer

[No. L-22012/54/84-D. V/D. III(B)]

नई दिल्ली, 11 जून, 1987

का. प्र. 1571.—प्रोत्पादित विवाद प्रवर्तित, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार, गान्धीनगर इलाके-माईट बजारों आदि को नियंत्रित, पाट्ट पुनर्गठन, जिला मुख्यालय (उड़ीसा) के प्रवर्तित से प्रवर्तित विवादों और उनके कार्यवाही के बीच, अनुबंध में निम्नलिखित प्रोत्पादित विवाद में प्रोत्पादित प्रवर्तित, गान्धीनगर के पंचायत को प्रवर्तित करती है, जो केन्द्रीय सरकार को 26/5/87 को प्राप्त हुआ था।

New Delhi, the 11th June, 1987

S.O. 1571.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Gomardih Dolomite Quarry of TISCO Ltd., P.O. Tunumura, Distt. Sundergarh (Orissa) and their workmen, which was received by the Central Government on the 26th May, 1987.

**INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR
PRESENT :**

Shri R. N. Panda, M. A. LL. B., Presiding Officer,
Industrial Tribunal, Orissa.

INDUSTRIAL DISPUTE CASE NO. 6/86(CENTRAL)

Dated Bhubaneshwar, the 16th May, 1987

BETWEEN

The Management of Gomardih Dolomite Quarry of
TISCO Limited, P.O. Tunmura, Distt. Sundergarh
(Orissa).

.....First Party

AND

Sri Kushal Masda, Helper (Carpenter), Represented by
the General Secretary, Sundergarh Mining Workers
Union, At-Orampada (Rourkela), P.O. Rourkela-12,
Distt. Sundergarh (Orissa).

... Second Party

APPEARANCES :

Shri S. C. Verma, Asstt. Chief Personnel Manager(Q)
.....For the First Party-Management.

Sri B. S. Pati, General Secretary, Sundergarh
Mining Workers Union, Rourkela.

....For the Second Party-Workman

AWARD

1. This is a reference under section 10(1) of the Industrial Disputes Act 1947 made by the Central Government vide Order No. 3(132)/85 dated 1st August, 1986 for adjudication of a dispute which reads as follows :—

“Whether the action of the management of Gomardih Dolomite Quarry of M/s. TISCO Limited, P.O. Tunmura, Distt. Sundergarh (Orissa) in terminating the services of Shri Kushal Hasda, Helper (Carpenter) P. No. 192544 with effect from 21-12-1982 is justified ? If not, to what relief the workman is entitled ?

2. On the date of hearing both the parties filed a Memorandum of Settlement and submitted that they have settled the dispute out of court in the interest of industrial peace and harmony and prayed to pass an Award in terms of the settlement. Both the parties admitted the terms of the settlement before me. The settlement appears to be fair. Hence I pass this Award in terms of the settlement. The Memorandum of Settlement do forms part of the Award.

Dt. : 16-5-87

R. N. PANDA, Presiding Officer.
[No. L-3/132/85-Con. II/D. II(B)]

V. K. SHARMA, Desk Officer

**BEFORE THE PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, ORISSA, BHUBANESWAR**

Industrial Dispute Case No. 6 of 1986 (C)

BETWEEN

The Management of Gomardih Dolomite Quarry of
M/s. TISCO Ltd., P.O. Tunmura, Distt. Sundergarh.
.....1st party.

AND

Shri Kushal Hasda, Workman represented through the
General Secretary, Sundergarh Mining Workers
Union.

.....2nd party.

In the matter of petition of compromise dispute.

The humble petition on behalf of the parties as aforesaid most respectfully sheweth :—

1. That the following dispute between the parties adjudicated before the Hon'ble Tribunal.

“Whether the action of the management of Gomardih Dolomite Quarry of M/s. TISCO Ltd, P.O. Tunmura, Distt. Sundergarh (Orissa) in terminating the services of Shri Kushal Hasda, Helper (Carpenter), P. No. 192544, with effect from 21-12-1982 is justified ? If not, to what relief the workmen is entitled ?”

2. That in the mean time the parties out of their anxiety to settle the matter amicably, fairly between them have had a number of rounds of discussion between them and ultimately in the larger interest of the both the parties, they have come to agree on the following terms of compromise, composing dispute in reference, fully and finally.

(i) It is agreed to pay retrenchment compensation as per statute to Shri Kushal Hasda for the duration of his temporary employment with the Company.

(ii) In view of the admitted position that Shri Kushal Hasda had been appointed temporarily in Gomardih Dolomite Quarry before the impugned termination, the 1st party management has now agreed to give permanent employment to Shri Kushal Hasda as a Helper in the TISCO, Mines Division entitling him to all wages and benefits of a permanent employee with effect from the date of his reporting to duty.

(iii) It is agreed that his employment will be at any mines of the TISCO, Mines Division and that the regular appointment order will be issued to him on or before 15th June, 1987.

(iv) It is understood and agreed that in view of Shri Kushal Hasda being given a permanent employment in the Mines Division of M/s. TISCO Ltd., he will have no further or other claim of any sort in respect of his past employment in the Gomardih Dolomite Quarry nor in the matter of his non-employment since the date of his impugned termination till he reports duty pursuant to the above offer of permanent employment.

(v) It is understood and agreed by and between the above two parties that this composition of the dispute is voluntary amicable and fair and that both the parties expressed without any reservations that this settlement has fully and finally compromised the subject matter of this dispute case pending before the Hon'ble Tribunal.

3. That in view of the above compromise agreed and arrived at by and between the parties, the impugned dispute has been fully and finally settled and that the parties have no further course of action to proceed with the case.

PRAVER

The parties in the circumstances stated above pray that the above compromise may be accepted as amicable and fair and has having compromised the dispute in reference fully and finally and further pray that an award in terms of the compromise as aforesaid may kindly be passed or that this joint petition may confirm part of this settlement and award that the learned Tribunal may be pleased to give in this case.

By the Second Party :

Sd./-

(Shri B. S. Pati)
General Secretary
Sundergarh Mining Workers'
Union, Rourkela.

By the First Party :

Sd./-

(S. C. Verma)
Asstt. Chief Personnel
Manager (Q)
Gomardih.

Witnesses :

1. Sd/-

(S. B. Nanda)
Advocate, Orissa High Court
Cuttak
For 1st Party

2. Sd/-
(B. Khelar)
General Secretary,
Orissa Mining Workers'
Union, Guruda,
For 2nd party.

Dated Bhubaneswar, the 15th May, 1987.

नई दिल्ली, 3 जून, 1987

का.आ. 1572—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुकरण में, केन्द्रीय सरकार, सेन्ट्रल वेयरहाउसिंग कॉर्पोरेशन के प्रबन्धन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, नई दिल्ली के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 20 मई, 1987 को प्राप्त हुआ था।

New Delhi, the 3rd June, 1987

S.O. 1572.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Warehousing Corporation, and their workmen, which was received by the Central Government on the 20th May, 1987.

BEFORE SHRI G. S. KALRA: PRESIDING OFFICER;
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL;
NEW DELHI

I. D. NO. 10/86

In the matter of dispute between :

Shri Madan Mohan,
17/203, Panchkuian Road,
New Delhi.

Versus

M/s. Central Warehousing Corporation,

1. Siri Institutional Area, Haus Khas,
New Delhi.

APPEARANCES :

Workman in person.

None for the Management.

AWARD

The Central Government in the Ministry of Labour vide its notification No. L-42012(23)/85-D.II(B), dated 26th December, 1985 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Central Warehousing Corporation, Delhi in compulsorily retiring Shri Madan Mohan Daftry from services vide order dated 9-7-1980 for the alleged fraud involving an amount of Rs. 27,745/- is justified? If not, to what relief is the workman entitled?"

2. The workman in his statement of claims submitted that he joined the service of the Management as daily rated Peon in June, 1968 and was regularised w.e.f. 6-11-68 whereafter he was promoted as Daftry in the year 1975. He joined the Central Warehousing Co-operative Employees Union (Northern Region) New Delhi and took an active part in its activities and became its Joint Secretary in the year 1975 and this was not liked by the Management. In order to victimise him the Management served on him false and frivolous charge sheet dated 28-11-75 containing the allegations that a cheque for a sum of Rs. 27,745 was issued by the Finance Division of the Respondent Corporation on 10-6-75 in favour of one Chander Parkash Printer against sanctioned order dated 2-6-75 and that the signatures on the sanction order were forged and an attempt was made to obtain fraudulent payment from the Management. It was further alleged that the workman took unusual

interest in the issue of the said cheque and further that he remained absent from duty from 16-6-75 to 13-7-75 without leave with a view to evade police investigation. The enquiry held subsequently was false and devoid of principles of natural justice. Thereafter the Management passed an order of compulsory retirement in order to remove the workman from service. An appeal filed by the workman was also rejected but the time taken in the decision of appeal was unusually long and the decision was communicated only after a legal notice was served on his behalf. It is alleged that the action taken by the Management is absolutely invalid, illegal, mala fide, discriminatory, harsh, oppressive and liable to be set aside on the grounds that it was by way of victimisation on account of his trade union activities; that the charges were frivolous and false; that the impugned sanction order was not at all produced in the course of enquiry before the enquiry officer or proved to be fraudulent and the enquiry officer could not have come to any conclusion about the alleged fraud or fabrication on the part of the workman in the absence of the sanction order that the workman was not afforded proper opportunity to defend himself and he was not permitted assistance of a legally trained person; that the findings of the enquiry officer were perverse and not based on any legal evidence; that the action of the Management in seeking a supplementary report from the enquiry officer was illegal and motivated and it could not be permitted in order to fill up the lacunae and the procedure adopted was wholly unwarranted.

3. The Management in its written statement asserted that the enquiry held against the workman was fair and proper and he workman was given full opportunity to defend himself and that there is no violation of the principles of natural justice and there was no victimisation of the workman. It was denied that the workman was carrying on any union activities. It was further stated that when the preliminary investigation was being carried on the workman absented himself from duty from 16-6-75 to 13-7-75 without leave in order to avoid police investigation. The Management also raised preliminary objection that no demand notice was served on the Management and that the reference order has not been made in accordance with order passed by the competent authority; that it is not a case of termination or dismissal from service and that the case of the workman has not been enquired by appreciable number of workman of the establishment and the dispute has not been converted into an Industrial Dispute and that the respondent corporation has been created under the provisions of the Warehousing Corporations Act, 1959 and its employees are governed by the regulations framed under the said Act and the action has been taken in accordance with the regulations and the provisions of the I.D. Act are not applicable to the present case.

4. After filing the written statement the Management took a number of adjournments for filing its documents but no documents were filed and then the Management discontinued its appearance and none appeared on its behalf in spite of number of opportunities having been given. Ultimately the Management was proceeded ex parte on 23-3-87 and the case was adjourned to 20-4-87 for workman's evidence. Even till 20-4-87 none appeared on behalf of the Management. The evidence of the workman was then recorded. He tendered in evidence his affidavit alongwith documents Ex. W-1 to W-3.

5. The preliminary objections taken by the Management in the written statement are the usual stock objections which are taken by most of the Management and there is no substance in them and are hereby rejected. On merits the document Ex. W-1 shows that the workman was a joint secretary of the Central Warehousing Corporation Union (Northern Region) and it falsified the averment in the written statement in the written statement that the workman absented himself on any union activities. Similarly the document Ex. W-2 contains sanction of leave to the workman for the period from 1-7-75 to 13-7-75 and this falsifies the averment in the written statement that the workman absented himself from duty from 16-6-75 to 13-7-75 without leave in order to avoid police investigation. The workman in his affidavit has reiterated the facts mentioned in his statement of claim and there is no rebuttal to this from the Management. Hence the Management has not justified its action in compulsorily retiring the workman from service vide order

dated 9-7-80 for the alleged fraud involving the amount of Rs. 27745/-. The reference is therefore, answered in favour of the workman and it is directed that he shall be reinstated with continuity of service and with full back wages.

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Govt. for necessary action at their end.

4th May, 1987.

G. S. KALRA, Presiding Officer
[No. L-42012/23/85-D.II(B)]

का.सा. 1573.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुवर्ण में, केन्द्रीय सरकार, प्रायः इंडिया रेडियो के प्रबन्धन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुवर्ण में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20 मई, 1987 को प्राप्त हुआ था।

S.O. 1573.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Central Industrial Tribunal New Delhi, as shown in the Annexure, in the industrial dispute between the employee in relation to the management of All India Radio and their workmen, which was received by the Central Government on the 20th May, 1987.

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER;
CENTRAL GOVT. INDUSTRIAL TRIBUNAL;
NEW DELHI

I. D. No. 12/86

In the matter of dispute between:
Shri Pratap Singh, Mason,
House No. 237, Village & P.O. Ghoga,
Delhi-110039.

Versus

The Executive Engineer (C).
Civil Construction Wing,
Division No. 1, All India Radio,
Mandi House, New Delhi.

APPEARANCES:

Shri O. P. Arora for the workman.
Shri Narinder Chaudhary for the Management.

AWARD

The Central Government in the Ministry of Labour vide its notification No. L-42012/57/84-D.II(B), dated 11/12/1985 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of All India Radio, New Delhi, in termination the services of Shri Pratap Singh, Mason, w.e.f. 31-1-84, is legal and justified? If not to what relief the concerned workman is entitled to?"

2. Some of the undisputed facts are that the workman Shri Pratap Singh was employed as a Beldar w.e.f. 1-7-82 to 31-3-1983 and as a Mason w.e.f. 1-4-84 to 31-1-1984 and his services were terminated on 31-1-84 afternoon and that no notice for termination was served upon the workman nor any notice pay nor any retrenchment compensation was paid to him at the time of termination and that the payments on this account were made to the workman sometime in November, 1984.

3. The case of the workman is that the termination of his service was illegal and void as it was in violation of Sections 52-F and 25-G of the I.D. Act (hereinafter referred to as the Act) since no notice was served upon him nor any wages in lieu of notice or any retrenchment compensation was paid to him.

4. The contention of the Management is that the workman was not sponsored by the Employment Exchange and he had not worked for 240 days in a year and had not completed one years continuous service with the Management; that the respondent is not an 'Industry' and that the persons junior to the workman have not been retained in service.

5. At the outset, the question whether the respondent All India Radio is an 'Industry' is set at rest by the authority MCMT of All India Radio, Chattapur and P.O. Central Govt. Industrial Tribunal-cum-Labour Court and another 1987(54) F.L.R. 58 Madhya Pradesh High Court wherein it was held that All India Radio is an 'Industry'. There cannot be any doubt that the claimant is covered by the definition of workman as given in Section 2(oo) of the I.D. Act. Although the Management has denied that the workman had worked for more than 240 days during the 12 calendar months preceding the date of his termination 31-1-84, yet the Management has not furnished any statistical data in support of its contention. On the other hand it is squarely admitted by the Management that the workman had rendered service for the period 1-7-82 to 31-1-84 which would show that the workman had clearly put in more than 240 days of service during the 12 months preceding the date of his termination 31-1-84. Hence the provisions of section 25-F of the Act are clearly attracted in the present case, as it was a clear case of retrenchment. Now, as stipulated in section 25-F of the Act, no workman shall be retrenched by the employer until (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice wages for the period of the notice and (b) the workman has been paid at the time of termination retrenchment compensation which shall be equivalent to 15 days pay for every completed year of continuous service or any part thereof in excess of six months. It is an admitted case of the Management that no notice was served upon the workman nor any wages in lieu of the notice nor any retrenchment compensation was paid to the workman at the time of termination of his service. The contention of the Management that the payments in this regard were made sometime in November, 1984 is no compliance with the provisions of section 25F(a) and (b). In this regard in the authority cited as Pepsu Transport Co. Private Ltd. Vs. State of Punjab and others AIR 1963 Punjab & Haryana High Court 90, wherein it was held as under:

"Industrial Disputes Act (1947), Ss. 25F, 33C and 25G-conditions precedent to retrenchment of workmen—Payment of compensation AIR 1964 Cal. 194. Dissented. (Constitution of India, Art. 226 and 227).

There are two conditions laid down by S. 25F. which have to be satisfied by the employer before he can retrench a workman who had been in continuous service for not less than one year in his industry. The first is that he should be given one month's notice in writing mentioning the reasons for his retrenchment and the period of notice had expired or if or such notice was given, then he should be paid in lieu thereof wages for the period of the notice. The second is that the workman should, at the time of retrenchment, be paid compensation which would be calculated in accordance with the principle laid down in sub-section (b) of S. 25F. The time of retrenchment, will, in the case of a workman who had been given one month's notice, be at the end of that period and in the case of the workman, who was to be paid wages for the period of the notice in lieu of such notice, it will be the one fixed by the employer.

If the workman does not come to receive the compensation on or before the due date when called upon to do so, the employer should send the name to him on that date if possible, otherwise on the next day and it is only then that it can be said that he complied with the conditions laid down in the section. The employer must actually tender the amount of wages to the employee and if the latter then does not accept the same, he cannot later on say that no wages had been paid to him by the employer. Tender does not mean calling the workman to receive pay-

ment on a particulare date, but the amount has actually to be offered to the workman concerned.

Here mending notices calling upon the workman to receive payment before the due date and then equating such an offer to actual payment, might lead to harsh results, because if the employee could not come to the day fixed to receive the payment for some good reason, an obstinate employer may refuse to make the payment on the next day on the plea that the notice itself was equivalent to payment and his obligation to make the payment had ceased on the previous day."

Similarly in AIR 1968 Rajasthan 227 Vinay Kumar Major Vs. State and others it was held as under :

"(C) Industrial Disputes Act (1947), S. 25F (a)—Notice pay —Payment of—Payment of notice pay must precede actual termination of service and not follow it.

One month's notice pay is required to be paid when an employer does not wish to serve the advance notice on required but in lieu thereof he chooses to pay one Month's wages. It may be open to an employer not to give a notice, but in that event it will be incumbent on him to pay one month's wages in lieu of notice, that is, for the period of the notice. This is to be done before the actual retrenchment. It is to precede the retrenchment and not to follow it."

6. In view of the above authorities I have no hesitation in holding that the Management did not comply with the mandatory provision of Section 25-F of the Act and, therefore, the termination of the services of the workman is clearly illegal and void ab-initio. The workman has not led any evidence to prove that any junior to him was retained in service and this has clearly been denied by the Management. Hence no violation of section 25-G of the Act has been proved.

7. In view of the discussion made above it is held that the termination of the services of the workman w.e.f. 31st January, 1984 by the Management of All India Radio, New Delhi is not legal nor justified. Hence it is directed that the workman shall be reinstated with continuity of service and with full back wages.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

G. S. KALRA, Presiding Officer

April 20, 1987.

[No. L-42012/57/84-D.II(B)]

नई दिल्ली, 11 जून, 1987

का. आ. 1574—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय खाद्य निगम, उ. प्र. (क्षेत्र) लखनऊ के प्रबंधन से सम्बद्ध नियोजकों के विरुद्ध उनके कर्मचारी श्री राम अवतार द्वारा, धारा 33-ए के तहत दर्ज की गई शिकायत पर, अनुबंध में विनिर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 25 मई, 1987 को प्राप्त हुआ था।

New Delhi, the 11th June, 1987

S.O. 1574.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in respect of a complaint u/s 33A of the said Act filed by Sh. Ram Avtar and others against the management of Food Corporation of India (U.P. Region) Lucknow, which was received by the Central Government on the 25th May, 1987

391 GI/87—9

BEFORE SHRI R. B. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL KANPUR

Industrial Dispute No. 104 of 1986

In the matter of dispute between :

Shri Ram Avtar and Others

C/o M. Shakeel

1 Abdul Aziz Road

Lucknow.

AND

Food Corporation of India

Through Senior Regional Manager

Food Corp. Of India U.P. Region

Lucknow.

APPEARANCE :

Shri M Shakeel For the Workmen

Shri G. P. Pandey for the Management

AWARD

under section 33-A of the I. D. Act

1. The case of the applicants is that during the pendency of I D No. 37 of 86 the service condition of the workmen named in the reference order of the above reference dated 6-2-86, were changed without any permission or notification or information to this tribunal required under section 33 of the Act, the change of service condition was deduction of half wages during the pendency of the case.

2. Management by filing written statement contested the claim of the workmen. It is averred that the business of employer at its Dal Mill where the workmen of ID No 37/86 were working is seasonal type of undertaking depending upon the availability of raw material i.e. whole pulses which is seasonal procured during harvesting season. Further the quantum of purchase of particular type of pulses in the country also depends upon the requirement of efence certain policy and the dal in dal mill is processed only for defence supply. From March 76 the availability or raw material had gone down but the management did not declared lay off or retrenchment of the workmen under the hope that is likely that they may get raw material from the head quarters at Delhi. Ultimately on account of force of circumstances of non availability of raw material the management declared lay off of 61 daily rated casual employees w.e.f. 11-4-86 and the rest from 17-4-86. Regarding prohibition of lay off as given in section 25M of the Act management asserts that the information was given to the prescribed authority i.e. ALC Kanpur before declaring lay off by Dal Mill it is further averred that lay off on account of reasons of compelling nature beyond the control of the management does not require prior permission. Further lay off on account of non availability of raw material does not amount to change of service condition and the application is not maintainable. Management further asserts that in view of provision of 25C of the ID Act management has paid lay off compensation of 45 days.

3. In the rejoinder it is averred that the chance of service condition has been enumerated in IV schedule in I is including wages regarding different period and mode of payment and withdrawal of any privilege.

4. On behalf of the management District Manager have his affidavit by way of evidence reiterating his stand in the written statement. He has stated in cross examination that for declaring lay off no permission of labour Ministry is necessary, only information to the said ministry is required and no individual information was given to the workman but only general notice was put up for lay off. That lay off is still was done on 11-4-86 and compensation on that count and this was due to shortage of raw material and not for any other reason.

5. A number of workman gave their evidence on affidavit but the management chose not to cross examine any of them.

6. The dispute is quite narrow. Admittedly the I.D. No. 37 of 1986 was pending regarding 17 workmen. It is not disputed that all these workmen were working in the management Dal Mill at Tal Katora.

7. Workman has examined Shri Hari Narain and Ram-sagar Savita on Affidavit and both of them testified that in the month of April and May they received half wages and thereafter no wages have been paid for June, July and August.

8. Management accepts this position. The whole question is whether it amounts to change in working condition or not. Under sec. 9-A of the act no employer who proposes to effect any change in the condition of service applicable to the workman in respect of any matter specified in IV schedule shall effect such change without making or giving notice to the workman. In the instant case it is argued that management has not reduced the wages of the workman or stopped payment after May in their own which rather required the notice rather they have taken action under Chapter 5A of the act i.e. complying to provision of law of lay off as defined under section 2(kkk) of the act meaning failure or inability of an employer on account of shortage of raw material to give employment the workmen whose name is borne on muster roll, in the instant case the stand of the management is that raw material for Dal Mill were not available and hence laid them off and paid their wages for 45 days as required under section 25C of the Act. This would not amount to a change of service condition rather complying with provision of Lay off given in the act itself. The management has asserted that information was given to the A.L.C. regarding non giving of work to the workmen.

9. In these circumstances the management was within its right to have declared lay off and there had been no change in service condition.

10. I, therefore, give my award accordingly.

11. Let 6 copies of this award be sent to the government for its publication.

Dated : 5-5-1987.

R. B. SRIVASTAVA, Presiding Officer
[No. I-13011/2/87-D.II (B)(i)]

का. ग्रा. 1575.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय खाद्य निगम, लखनऊ के प्रबंध तंत्र से सम्बद्ध नियोजकों के विरुद्ध उनके कर्मकार श्री अरुण कुमार द्वारा, धारा 33-ए के तहत दर्ज की गई शिकायत पर, अनुबंध में निरुद्ध केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25 मई, 1987 को प्राप्त हुआ था।

S.O. 1575.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial, Kanpur as shown in the Annexure in respect of a complaint u/s 33A of the said Act filed by Sh. Arun Kumar and others against the management of Food Corporation of India, Lucknow which was received by the Central Government on the 25th May, 1987.

BEFORE SHRI R. B. SRIVASTAVA PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, KANPUR.

Industrial Dispute No. 102 of 1986.

In the matter of dispute between

Shri Arun Kumar and others.

(Address of the workmen is not on the record).

AND

The Senior Manager,

Food Corporation of India,

6/7 Habibullah Estate,

Hazaratganj,

Lucknow.

AWARD

(u/s 33-A of the I. D. Act)

1. This application under sec. 33-a of the I. D. Act has been moved by the representative for the workmen on the ground that the management has changed the service condition of the workmen during the pendency of the I.D. Case No. 5 of 1983 which has been registered as I.D. No. 102/86. It is alleged that during the pendency of the above adjudication case no. 5/83 the management declared lay off in respect to these workmen w.e.f. 11-4-1986 without any permission of the court and in this way management deducted half of the wages of the month of April 86 of Arun Kumar and others and thus the management deliberately changed the service condition of the workmen and it is therefore, prayed that proper action may be taken under section 33-A of the Act against the management. Workmen further averred that on application on 11-7-1986, management did not pay the wages for the month of June 86 upto this date though the same was paid every month by first week. The management in their written statement reply averred that all the workmen were employed at Dal Mill where whole pulses are converted into Dal for supply of the defence establishments and whole pulses are procured during the season supply of which is approved by Food Corporation of India Head Quarters Office, New Delhi. That as the whole pulses were not available for the Dal Mill w.e.f. 11-4-86, the workmen were declared laid off and later 10 more workmen were laid off from 17-4-86 all of whom are workmen covered under I.D. No. 5/83. Management has denied application of section 25F in case of workmen who were only casual labour, yet information has been given to the Presiding Officer Labour Court, A.L.C. Kanpur, before declaring lay off by Unit Manager of the F.C.I. and thus the lay off was on account of reasons beyond the control of Management and there is no question of any change in the service condition and that as per second para of section 25C of the I.D. Act corporation has paid lay off compensation to all the workmen for the maximum possible periods and thereafter compensation is not being paid.

2. Workmen filed rejoinder stating the facts narrated in the claim statement.

3. Parties representatives stated that they had not to give any oral evidence and relied on documentary evidence. In I.D. Act no. 5 of 83, the award was published in Gazette of India on 15-4-1986. Under section 17-A of the Act the award became final on expiry of 15th May 86 admittedly the workmen were laid off on 11-4-1986 which would be during the pendency of the case. Thus if any infringement has been done it will be deemed to have been done during the pendency of the case.

4. Now question is that what infringement has been done. It has been argued by representative for the workmen that under IV schedule of the I.D. Act wages including period and mode of payments comes under condition of service for change of which notice is to be given under section 9-A. It is the matter to be considered whether lay off is a change of wage or mode of payment. Management has not reduced wages or changed the mode of payment but have simply declared lay off as under the provision of chapter 5A of the I.D. Act and started giving layoff compensation which is equal to 50 per cent of total of basic wages and DA that would have possible to him had he not been laid off. This right has been given under section 25-C of the I.D. Act Layoff is defined under section KKK sub-section 2 of the I.D. Act whereby inability of an employer to give employment to a workman on account of shortage of raw materials, thus the management were within their right to declare lay off when they had no whole pulses to feed the Dal Mill and it was on that count that they started paying retrenchment compensation under section 25C of the Act. Moreover the management has also intimated the Prescribed Authority i.e. A.L.C. under rule 25M of the Act. In these circumstances I am satisfied that there has been no change in service condition during the pendency of the I.D. Case no. 5/83. Moreover, lay off does not come within the definition of change of service condition. In Modi Shoe Works Meerut Versus Kirana H.I.J. 676 Lab I.C. wherein it was held that lay off not an alteration of condition of service and lay off having been provided for by statute and standing orders can not be

treated as tantamount to an alteration of change of service condition. Thus there is no question of filing any complaint against the management.

5. I, therefore, give my award accordingly.

Let six copies of this award be sent to the Government for its publication.

20-4-1987.

R. B. SRIVASTAVA, Presiding Officer.

[No. Z-13011/2/87-D-II(B)]

का.आ. 1576:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सुप्रीटेण्डेंट रेलवे मेल सर्विस एक्स डिविजन जंसी के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में विनिर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26 मई, 1987 को प्राप्त हुआ था।

S.O. 1576.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Superintendent, Railway Mail Service 'X' Division, Jhansi and their workmen, which was received by the Central Government on the 26th May, 1987.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(82) of 1986

PARTIES :

Employers in relation to the management of Superintendent, Railway Mail Service 'X' Division, Jhansi and their workman, represented by the Divisional Secretary, All India RMS Karamchari Union, Sheohare Adarsh Nagar, Sipri Bazar, Jhansi.

APPEARANCES :

For Union.....Shri P. C. Mishra.

For Management.....Shri K. C. Sharma, Advocate.
INDUSTRY : R.M.S.....DISTRICT Jhansi (M.P.)

AWARD

Dated : May 20, 1987

This is a reference made by the Central Government vide Order No. L-40011/16/85-D.II(B) dated 13th October, 1986 for adjudication of the following dispute :—

"Whether the action of the Supdt. RMS 'X' Division, Jhansi in issuing show cause notices to all the workmen who went on strike on 6-6-85, which has not been declared illegal and imposing a punishment of break in service under FR 17A is justified and legal ? If not, to what relief the workmen are entitled ?"

2. The above reference was registered on 23-10-1986 and parties were noticed. Parties appeared and filed their pleadings and the case was fixed for evidence and arguments when on 14-4-1987 parties filed the order of the Appellate Authority setting aside the punishment of break in service under F.R. 17A imposed on the workmen. As such this reference has become infructuous.

3. However, the Union representative, Shri P. C. Mishra, prayed that the Union be awarded costs and expenses mentioned in his application dated 14-4-1987. In this application has demanded costs and expenses on the following grounds. Firstly L.S.G. Senior Allowance to Shri M.D. Kushwaha with effect from 7-6-1985 to 23-7-1986. I am of the opinion that in this reference on such direction is required because when

the order of punishment is set aside by the Appellate Authority the ancillary relief will automatically follow i.e. the department should grant them the necessary reliefs allowances, promotion and other benefits which they were entitled. In the second ground the Union representative has demanded 20 days salary for attending Labour Court Kanpur and this Tribunal, T.A. of Rs. 1500/-, Daily Allowance for 20 days, Postal, typing, registration and photostat expenses amounting to Rs. 500/-. I am of the opinion that the expenses incurred in conciliation proceedings cannot be awarded by this Tribunal. Similarly the daily allowances cannot be granted in these proceedings specially when there is no record in this regard. In this Tribunal the Union representative has appeared only on three dates and for that I am of the opinion that a lumpsum costs of Rs. 500/- would meet the end of justice. I, therefore, answer the reference as under :—

That in view of the Appellate Authority's Order dated 6-4-1987 this reference has become infructuous. Since the workmen have already been granted the required reliefs no order is required to be passed by this Tribunal. However, the management will pay Rs. 500 as costs of these proceedings before this Tribunal to the Union representative.

V. S. YADAV, Presiding Officer

[N. L-40011/16/85-D.II(B)]

का. आ. 1577:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, जनरल मैनेजर नार्थर्न रेलवे के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25 मई, 1987 को प्राप्त हुआ था।

S.O. 1577.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of General Manager, Northern Railway, New Delhi and their workmen, which was received by the Central Government on the 25th May, 1987.

BEFORE SHRI R. B. SRIVASTAVA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 35 of 1983

Shri K. C. Saxena and others C/o The Working President URKU 96/196 Roshan Bajaj Lane, Ganesh Ganj, Lucknow.

AND

The General Manager Northern Railway Baroda House New Delhi.

APPEARANCES :

Shri B. D. Tewari—for the workmen.
Shri K. C. Jauhari—for the Management.

AWARD

1. The Central Government, Ministry of Labour, vide its Notification No. L-41011/17/80-D.II (B) dated 30-4-1982 has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Northern Railway in terminating the services of Sarvri (1) K. C. Saxena, (2) R. C. Nigam, (3) Bhola Nath (4) Ram Das, (5) Chhotey Lal, (6) Ram Nath, (7) S. N. Gaur, (8) Ram Sagar, (9) Suresh (10) Kamlesh Kumar, (11) Kali Charan, (12) Ganesh Prasad and (13) Sohan Lal is justified ? If not, to what relief the concerned workmen are entitled ?

Whether the action of the management of Northern Railway in retiring Sarvri Ram Kishore Misra, (2) Mool Chand (dead) and Behari is justified ?

If not to what relief are the concerned workmen entitled ?

2. As in the reference order 16 workmen have been named and the evidence has been given in each case separately, hence the award is being given in chronological order.

3. Now coming to the case of Shri K. C. Saxena. It is averred by the workman Shri K. C. Saxena in the petition that he was steam plant attendant in Loco Shed Northern Railway Lucknow having been appointed as such on 4-4-58 and thereafter confirmed on some time in 1963. His services were unblemished upto the date of removal from his services and his superiors were all satisfied with his work. It is further averred that his dealing clerk Shri S. D. Sharma was however, prejudiced against him and he managed out of malice to get him transferred in Mid-school Session from Lucknow to Rai Bareilly w.e.f. 22-12-72 against which the workman appealed which was rejected on 4-6-73, and against that the workman went to High Court Allahabad and obtained the stay order against proposed transfer. It is further averred that the local officers of the management with the help of the dealing clerk Shri S. D. Sharma managed after receipt of the stay order to get the workman removed from service with effect from 22-10-75 by manipulating additions in the existing order of removal originally purported to be operative with immediate effect, but later on corrected in hand writing of Shri S. D. Sharma on 23-10-75 while the stay order was issued on 27-10-75. This removal from the service was malicious, improper, unjust and illegal because no valid reasons were assigned there for and the orders were in support of corrupt and immoral actions of Shri S. D. Sharma and then dealing clerk.

4. It is averred that as the order of removal was illegal hence he be reinstated in service.

5. From the pleadings it emerges that the workman did not proceed on transfer and was sending PMC and applying for leave. The management taken it to be a gross misconduct, started DAR Enquiry which the workmen never attended. It is averred by the management that all possible steps were taken by post and by special messenger to serve orders on the workman but he never took notice and did not participate in departmental enquiry. The management proceeded with the enquiry and punishing him for gross negligence by terminating his services took a shorter course and terminated his services under rule 14 of the DAR which almost same as article 311(2)(b) of the Indian Constitution.

6. If a man takes it to his head not to receive notices served even by registered post or by special messenger or take notice of affixation on his door or on the office notice board, the only course with the management to proceed with the enquiry, take all evidence of witness of notice all regarding evidence of gross misconduct and after complying departmental enquiry *ex parte* suitable order may be removal should have been passed by competent authority. This course was adopted for some distance but ultimately passing of removal order on the basis of facts proved in the enquiry the management took the speedier course of rule 14(ii) of DAR rules. The said rule 14(ii) lays down "where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonable and practicable to hold an enquiry in the manner prescribed in this rule, the disciplinary authority may consider the circumstances of this case and may order such as it may deem fit. The workman have filed photo copy of the removal order on the basis of it and it is dated 27-10-75 but the workman has admitted that the date 27th was changed to 23-10-75 in the hand writing of the dealing clerk who was inimical for him. Taking to be it an order dated 23-10-75 it has to be seen whether order is legal or not. This removal order contains two endorsement one is indicating charges against him and the second is orders passed by the competent authority. In this, the punishing authority has written as follows". I am fully satisfied that Shri K. C. Saxena designated Ex-Officiating SPA now absorbed as steam man is responsible for absenting himself from duty without any authority and 4-6-73 being spared from loco shed Lucknow on 5-6-73, remained absent upto 21-6-73. He appeared in Loco shed on 22-6-73 and again absence and is still absent, SP-5 was sent to him by registered post which was received back undelivered with the remarks of the postal authorities (the receives knows that a registry has come but in spite of

coming out of his quarter he started that he is not in the house there is returned) Notice of nomination of enquiry officer was also received back undelivered which sent to his quarter by registered post with the remarks not met. If the workman did not attend the enquiry the same should have been concluded *ex parte* in the light of observations made above. The reasons given by the disciplinary authority for not holding enquiry is not just and proper. Enquiry could have been completed *ex parte* on proof that the workman deliberately avoided attending the enquiry having come to know of the progress of the enquiry on every stage and he could have punished on that basis but it can not be said that it was not reasonable and practicable to hold enquiry. There was no sufficient ground for dispensing with the enquiry even *ex parte* and taking recourse to rule 14. Further the workman has lead evidence that he was unwell and had been sending PMC to the Disciplinary Authority from 17-2-73 till 31-7-75 as detailed in annexure 6 alongwith the workman's affidavit. The management did not refute the same by filing affidavit evidence. management had been delaying the cross of the case for one reason or the other despite levying heavy cost on two occasions. On the point of PMC there is letter of railway board No. 68/H-1/12 dated 22-5-70 wherein it is laid down "by part modification of the provisions contained in part only if railway medical officer is after such verification of the labour".

7. In the circumstances above, it could not be said that it was not reasonable and practicable to hold an enquiry in the circumstances of the case. The order of removal thus can not be allowed to stand being in contravention of the rules. Management has not filed original of the termination order which is alleged to have passed on 27-10-75, the date of which was by hand changed to 23-10-75. In the absence of the same the workman contention may be true that learning about the stay order passed by the Hon'ble High Court on 27-10-75, the removal order passed was changed from 27-10-75 to 23-10-75. Thus in my view of the matter the order being illegal, the workman is entitled to be reinstated with full back wages.

8. I, therefore, give my award accordingly in the case of workman Shri K. C. Saxena.

9. Now coming to the case of workman Shri R. C. Nigam it is averred in the claim statement that he was an empanelled porter under station master Musafirkhana District Sultanpur having been appointed from 26-8-63. He worked continuously upto 16-12-66. A penal was confirmed in November, 1966 and passed his medical test on 6-12-66 and worked there upto 18-4-67. On 18-4-67 he went home on weekly rest where he fell ill seriously. He sent medical certificate upto 16-1-68. On 17-1-68 he sent to join his duties but he was sent to APO DS Office Lucknow where he was told that DS Lucknow vide order dated 5-10-67 had treated his absence as extraordinary leave without pay and he would be deemed to have resigned his services w.e.f. 12-7-69. The workman filed appeal against that order which remained unattended, hence the industrial dispute. The workman along with his affidavit has filed the order of termination passed by APO dated 5-10-67. That the application annexure I wherein he had averred that station master Musafirkhana Sultanpur Northern Railway admitted receipt of medical certificate from the applicant that he requested replacement of applicant by another suitable person by letter dated 6-9-67. He also raised objection therein that the terminating officer was not legally competent and the same could have been done by the general manager of the zone and that the termination was nothing but retrenchment which being in contravention of section 25-F was illegal. The workman has also filed extract of the railway establishment code regarding rule 732, as annexure II of his affidavit. This shows that in a case where railway servant who had been in continuous service for a period exceeding one year the general manager or the Chief Personnel Officer may grant extraordinary leave without salary for not more than one year at the time of grant of railway servants own allowance.

10. The workman in his cross examination has deposed that he did not contacted the railway doctor as his clinic was at a distance from his quarter in Lucknow. The doctor who was contacted for PMC live near my house. He has deposed that upto this month till October 67 he had been sending PMC to the station master under registered post

sent these p.m.c. to the Divisional Superintendent Lucknow upto 16-1-68 and when he went to join duty on 17-1-67 he was told that his services have been terminated w.e.f. 12-7-67 by A.P.O. He admits that from 67 to 73 whatever application he given to the management he did not obtained any receipt for the same.

11. It has been argued by the workman representative that workman was removed from service with stigma of unauthorised absence without issue of any charge sheet or show cause notice and directly constituted enquiry officer under DA Rules.

12. As observed earlier while quoting rule 732 that a limit of three months absence may be exempted in the case of railway servant himself. In exception No. 2 of such rule 1(b) it is also stated that the General Manager may grant extraordinary leave without leave salary for more than one year at a time on the ground of railway servant's own sickness.

13. In the instant case, the workman was not on PMC in excess of one year. Under amended rules LWP may be granted upto 5 years. Even if this termination is considered as discharge simpliciter it will be illegal without compliance of section 25-F of the I. D. Act i.e. without paying retrenchment compensation. A PMO can not be rejected unless proper verification has been made by the railway doctor. Thus under rule 732 an automatic removal of railway servant for his own illness is not permissible. Further that rule is applicable to casual labour and not to permanent railway servants or those empanelled as regular employee. The workman was a regular porter having worked for more than 4 years continuous service and hence was entitled to protection of Railway Establishment Manual i.e. show cause notice and DAR Enquiry. Rejection of the PMC was also not possible.

14. Removal for unauthorised absence is removal with stigma attached and hence terminated should have been by way of enquiry and punishment under DAR.

15. In the circumstances discussed above, the termination of the workman was illegal and consequently the workman has to be reinstated in service with full back wages.

16. I, therefore, give my award accordingly in the case of workman R. C. Nigam.

17. Now coming to the case of Shri Bhola Nath workman. The case on behalf of workman Bhola Nath is that while working as khalasi in C&W Workshop Alambagh he was ordered to accompany Shri Vikramjeet Choubey Khalasi Zamadar on 24-1-69 for loading some material from Black Smith shop and machine shop on a lorry for being sent to stores. The workman loaded some break beam from BSS and some white metal ashes from machine shop under instruction of khalasi zamadar and the same was sent to the gate meanwhile it was revealed that the white metal ashes were unauthorisedly loaded and they were recovered by railway protection force with assistance of Shri S. S. Misra AWM. The material was never loaded by Sri Bhola Nath of his own accord nor the same was recovered in his presence. The sealed material did not contain his signatures nor was the same as per description given in the charge sheet. Others khalasi who were then working under the instruction of Shri Choubey and Lorry Driver were made witnesses in the case and the workman was served with a charge sheet. After DAR enquiry he was removed from the service from 11-7-72 forenoon. He went in appeal and review against this unjust decision but his appeal and review were rejected. It is averred on his behalf that the finding of the enquiry officer was perverse and he did not rely on the evidence on records. That the erstwhile accused were made witnesses against the workman and all relevant witnesses were not permitted to cross examine by Shri Bhola Nath and relevant papers were not made accessible to him, thus the principle of natural justice was infringed. Thus the entire action is vitiated and illegal and it is prayed that the workman be reinstated with effect from the date of his termination.

18. The management in its written statement raised preliminary objection that the disciplinary authority removed him from service w.e.f. 11-7-72 and the workman exhausted the last channel of review and its review petition was also rejected by the General Manager on 12-9-75 and the reference has

been made to this Tribunal after about 7 years in 1982, hence the claim is time barred.

19. The management has denied that the workman was ordered to accompany Shri Vikramajeet Choubey Khalasi Zamadar on 24-6-69 for loading materials rather he slipped of his own accord and associated himself with Shri Choubey. The fact that the workman was not booked for loading, yet the act of loading the Gini bags filled with white metal ashes showed his malafide. Since the material was unauthorisedly removed from metal shop and was dubbed on the rubbish heap which was subsequently recovered from other sealed and signed by the authorities and kept in safe custody with RPF. There was no question of recovering material in presence of accused. Thus the workman was rightly charged for getting 18 bags of white metal ashes and clinkers from machine shop store on 24-1-69 duly acknowledge by him and getting the material loaded in a truck with the intention to misappropriating the same. The other khalasi and lorry driver were booked by SRM for loading the material and thus they were rightly made eye witnesses in DAR enquiry. It is denied that the enquiry officer finding is not based on evidence on record of the enquiry and was perverse. The appellate authority considered his case carefully, a personal hearing was given to him and it was consciously rejected. The review was turned down by General Manager on merits. The enquiry officer took statement of Shri Vikramjeet Choubey and Shri Krishna as coaccused and as such the workman was not allowed to cross examine them who too were punished with removal from service the basis of common proceeding and finding of enquiry officer the basis of common when workmen given his statement as accused he was not allowed to cross examine by Shri Vikramajeet and Shri Krishna and it would be wrong to say that the workman was not allowed to cross examine the prosecution witness. It is further averred that the workman was given access to all relevant papers and the principle of natural justice fully observed.

20. The management in support of their contention filed as many as 25 papers. The first document is the order of Labour Ministry under the signature of Desk Officer.

21. The punishing authority on the basis of records came to the conclusion that khalasi Shri Bhola Nath knowing fully well the contents of the bag loaded them in the lorry and given acknowledgement of the material for which he was not authorised and unloaded them at various places in the workshop. He therefore, passed orders for removal from his service. Before the enquiry officer the workman had admitted in enquiry to question No. 5 that alongwith other khalasis he loaded those bags in truck and further no answer to question No. 10. He acknowledged the receipt of the said material. Though he was not entitled to receive the material from the shop. The enquiry proceeding shows conclusion that workman Bhola Nath took unauthorised delivery of white metal ash and clinkers with the intention of receiving the material from the shop. The enquiry proceeding shows that the defence helper of the workman Shri B. D. Tewari cross examined all the witnesses examined on behalf of the workman. The recovery memo filed before the enquiry officer was in Hindi, with writing in English also at places. Interse cross examination by accused on the statement of one accused after hearing the entire prosecution case was rightly disallowed as the legal evidence on which the management relied was their own witness and not persons against whom enquiry was being conducted in statement given by one manner have implicated the other in the absence of cogent and reliable evidence by management.

22. The workman has admitted in cross examination that he had received the rejection order of the general manager on 12-9-75 and after 1982 he started labour proceedings. He admits that he gave statement in the enquiry but he was not cross examined, he admits that on 24-1-69 he was deputed for loading white metal ash from metal shop which he did load but did not know that the same was unbooked.

23. I have gone through the enquiry papers filed by the management and the report of the Enquiry Officer and do not find anything which may called that the findings is perverse. The workman Bhola Nath admitted in reply to

question No. 5 that he alongwith 4 others loaded the bags on the lorry from the machine shop and that Shri Krishna Khalasi Zamadar took out the bags of ashes from the machine shop. In reply to question No. 10 he admitted that he had acknowledged the receipt of the said materials under reference. In reply to question No. 22 he has deposed that he gave the acknowledgement as desired by Shri Choubey for him and had his instruction. The management witness Shri Moinuddin Chageman SRM in whose office workman Bhola Nath was deputed to work has stated in reply to question No. 12 before the enquiry officer that he had asked the workman to remain in SRM Office but he had gone somewhere without informing him. The recovery of the bags was made at the instruction of Shri S. S. Mishra who called the R.P.F. staff for his assistance. RPF staff are persons responsible for safe custody of the property of the railway and in a way better than two responsible officials of the same locality as independent witness of recovery having been summoned, it cannot be said that the recovery is vitiated or that it could have been planted by delinquent officials.

24. The workman simply being a khalasi had no business to give a valid discharge and sign documentary notes without specific authorisation from his superior, Shri Choubey. Further he had no business to leave the office of SRM in C&W workshop where he was posted and was asked by chageman to be there and look to scrap raw material stored there. He had no business to go to machine shop and take delivery. The fact that he left his office took charge of white metal ashes under his signatures, loaded the same on a truck which were ultimately recovered in under rubbish head by Sri S. S. Mishra leads to one and only one inference that this unauthorised taking delivery of white metal ashes which were found on rubbish heap were loaded on the truck with the intention of misappropriation the same at some later time.

25. In the circumstances the enquiry was quite fair and proper and the finding was not perverse. He was given full opportunity to file appeal which he did and which after consideration was rejected, though the same reasoning is given by the enquiry officer was not repudiated in the earlier order.

26. In the circumstances, the removal of the workman Bhola Nath was justified.

27. On the point of delay the management calls it time barred. Admittedly there is no limitation laid down in the Industrial Dispute Act for raising industrial dispute. The workman was admittedly removed from service with effect from 25-1-69. The reference order is dated 30-4-82. The appeal was rejected in 1975 and even the DRM rejected his review in October, 1975. From 1975 till 1982 the workman took no steps for about 6 years. On this count alone the reference is likely to be rejected. I am supported in my view as law laid down in Shri Som Nath Gil Versus Bank of India 1986 Lab. IC page 822 wherein on relying in the law laid down by SC in 1980 Lab. IC page 983 it was held that in case of dismissal where writ petition was filed 6 years after dismissal without explaining the delay the petition is liable to be dismissed.

28. Thus on this count also the workman is not entitled to any relief.

29. I, therefore, give my award accordingly against the workman Shri Bhola Nath and hold that he is not entitled to get any relief.

30. Now, coming to the case of Shri Ram Das. His case in the claim statement as set out by union is that he was appointed as khalasi on 3-7-59 and was confirmed on 7-9-68, his services were terminated on 4-2-70 on the ground of unauthorised absence which absence was on account of the sickness of the applicant himself. He was admitted in K. G. Medical College Hospital, Lucknow during the period he was treated unauthorisely absence. His appeal against removal was also dismissed. His review petition to the Divisional Superintendent was also unheeded. It is pleaded that his termination was in disregard of the principles of natural justice.

31. The main contention of the workman was that he was not given proper facility for self-defence and thus his fitness

certificate dated 1-4-69 issued by the medical college was not taken into consideration. The workman has filed letter of APO Lucknow whereby he informed the workman that the DS rejected his representation against the removal order in the following words :

The disease is such that it can recur despite operation. The disease is now on the right side with no pulsation of the artery on the right foot. As such I regret that he can not be reemployed.

32. The appeal for review was also turned down by Divisional Superintendent, Lucknow. He ordered that even after he is employed the disease is such that he will be ineffective and will be in absence of leave and in such circumstances had he not been removed from service he would have to be invalidated out. In view of this there is no point in reemploying him. Annexure 5 of the claim application shows that he was given fitness certificate w.e.f. 10-4-69. After removed the workman moved the Government directly under section 2(A) for reference of his case. It is dated 23-3-80.

33. The management was shut out from filing the written statement but despite that they contested the case but no document or evidence was filed.

34. The workman's representative has argued that the management should have taken into consideration printed Serial No. 5027 issued by the railway board on the point of leave on medical grounds. It may be mentioned here that there was a DAR enquiry of the charge of unauthorised absence from the duty w.e.f. 3-7-68 in which the AMEI gave the penalty on 3-2-70 that the workman will be relieved from his duties on and from 3-2-70. The workman represented on 15-7-74, about which I have referred earlier that the disease despite operation can recur as there was no pulsation of the artery on the right foot. His request for reemployment was turned down. The A.P.O. also dismissed the review. The workman in his application to the Government under section 2(A) of the Industrial Dispute Act for making reference wherein he admitted that his services were terminated on account of unauthorised absence for about a year on account of domestic circumstances. The medical certificate annexure 5 filed with the claim statement shows that the workman was admitted in hospital on 8-3-69 and was declared fit to join duty on 10-4-69. All this took about a month but the workman admits that he was absent for about a year. The workman on his reply to the notice of AMEI intimated that after having remained in KGMC hospital for long he was recuiping his health as he was took week to walk. Though the railway board circular dated 22-5-70 referred by the workman's witnesses in his affidavit had not come till the date of removal of the workman but the same was there when he made representation on 15-7-74 on humanitarian grounds. This could have been considered by the management. The rule lays down that medical certificate from registered PMC produced by the railway employees in support of their application for leave should be rejected by competent authority only after a railway medical officer has conducted the necessary verification and only on the basis of advised given by him. The board have further decided that in cases where penalty have been imposed consequently upon rejection of medical certificate from private medical doctor, the railway authorities should reconsidered such cases after representation or represented by recognised labour unions. The order rejecting workman's representation dated 15-7-74 is not passed on any medical findings that the disease was likely to recur and that there was no pulsation on the artery of the right foot. As the workman was not removed for any gross misconduct and the misconduct if any, was of his long absence even if he was declared medically fit was on the ground that he has become very weak, was feeling difficulty in moving wgs on account of 3 successive operations and had gone to home to recup his health, the management should have considered his application on humanitarian grounds specially when there was no subsequent opinion of the railway authority that he was unfit to perform any duty whatsoever.

35. In these circumstances, the management should have taken a lenient view of his absence and leniency accorded to persons submitting PMC for their own illness referred in printed circular No. 5027 dated 22-5-70 should have been reemployed atleast after representation from 15-7-74 was

soon after. Sufficient time has elapsed since then under the circumstances, on humanitarian grounds he may be re-employed soon after the finalisation of this award and the period from 3-2-70 to the date of his joining may be treated as period as no pay for no work, but his past services shall be considered for other service benefits. In these circumstances, I hold that the action of the railway management was not justified and the result is that the workman has to be reinstated in service with full back wages w.e.f. 15-7-74.

36. I, therefore, give my award in the case of workman Ram Dass accordingly.

37. Now coming to the case of workman Chhotey Lal. It may be mentioned here that he was a crain driver under D.P.O. Northern Railway, Lucknow and was due to retire on 31-7-82. His date of appointment being 8-2-42, his pay in the year 1976 was Rs. 295 and taking his allowances the total emoluments came to Rs. 525 p.m. He was declared medically unfit for duty of crain operation and was recommended for light duty. He was absorbed on the job of greaser for six months and thereafter he was given extraordinary leave while his junior Shri Shiv Prasad and Dukharan continued to work under greasers. The services of the workman were terminated w.e.f. 12-12-76 vide DPO's letter dated 28-3-77, on the ground that no alternative job was available for him. It is averred on behalf of the workman that the termination was made in utter disregard of provision of section 25-F of the Industrial Dispute Act and also hit by sections 25-G and H of the same and also article 311 of the Constitution. The workman submitted appeal to the DS Lucknow and General Manager, Baroda House, New Delhi and the Railway Minister between period 77-79 but to no avail. The union has consequently prayed that the workman may deemed to be in service w.e.f. 12-12-76 till his superannuation on 31-7-82, with full benefits. The main ground for assailing the order is that Chhotey Lal was not medically unfit for the category of greaser and that no notice was given, and that the termination is hit by articles 16 and 311 of the Indian Constitution.

38. The workman has admitted in cross-examination that he was sent for medical examination in 1976. He admits that he was separated for hornia thrice in one year and was declared medically unfit in the year 1976 and DMO recommended for light duty, as he was unfit for climbing and getting down. He states that he used to grease engines from below and his associates use to up above the engine for greasing and in this way he worked for full one year i.e. twice each time for 6 months. He also states that third time DMO recommended light duty for ever. Shiv Prasad and Dukharan who were juniors to him were still working at the time of his termination. The workman was terminated w.e.f. 12-12-76 under the orders passed on 20-9-76 whereby his extraordinary leave was extended for six months and he was informed that his extra-ordinary leave will expire on 12-12-76 and if during this period no laternative post was available for him he will be deemed to have retire from railway service w.e.f. 12-12-76. He consequently gave a notice on 28-3-77 paper No 9 filed by workman which is letter issued by Sr. D.P.O. It was mentioned in this application that the workman was called before the screening committee on 5-10-76 for his efficiency and for consideration of alternative post but as he remained absent hence in view of the notice given earlier on 20-9-76 his services were terminated on 12-12-76. Workman gave representation paper Nos. 5, 6, 7, 8, 9, 10, 14, 16 17 in which he pointed out that his juniors were retained in service and he was discharged on ground that no lower job was available for him. If no lighter job was available for the workman, he should have been allowed to continue as greaser alongwith other juniors who were working with him. Though in cross-examination he has admitted that on account of physical infirmity he used to grease engines from below whereas his other junior colleagues used to climb up engines and grease it from above. In this way the greasing work of engine was going and it cannot be said that the workman was incapable of performing that work also. Further if the management wanted to terminate his service in face/his juniors he should have been given retrenchment compensation under section 25-F of the I. D. Act. This having not been done, the termination would be void abinitio and illegal and he will be entitled to back wages. The DMO Lucknow recommended light duty to the workman for the rest of life of work on job which

does not need climbing. This recommendation is dated 10-2-76. Even though workman did not attend the screening committee to judge his suitability as called for his absorption on light post of his on accord. The management should have found out an alternative job on the basis of recommendation of the DMO dated 10-2-76.

39. There is nothing on record to show that the management took steps to found out alternative job of the lighter duty in its own unit or in other units as recommended by the Railway Board in its circular.

40. In the absence of this the termination of the workman from 12-12-76 would be deemed to be a termination not in accordance with law. Termination for any reason whatsoever may be would be deemed to be a retrenchment and if the management was so inclined to terminate his services he should have given retrenchment compensation, this having not been done his termination is illegal and he will be deemed to be continuing in service.

41. I, therefore, hold that the action of the management is not justified and the result is that the workman Chhotey Lal is reinstated in service with full back wages.

42. I, therefore, give my award in the case of workman Chhotey Lal accordingly.

43. Now coming to the case of workman Shyam Narain Gaur. He has prayed for for his reinstatement w.e.f. 12-5-67 with full back wages. The claim set out by him in his claim application that he was appointed as cleaner in the year 1954 in Loco Shed Northern Railway, Lucknow and was promoted to the post of II fireman in the year 1965. He was suspended on 5-3-65 on a charge of attempted misappropriation of the railway property and was charge sheeted. The DAR enquiry was held thereafter and the workman was served with a show cause notice of removal from service on 11-2-66. The workman was consequently removed from service from 14-5-67 by AME. The workman preferred appeal to the DME Lucknow which was rejected. His review petition to the Divisional Superintendent, Lucknow was also rejected. He consequently filed writ in the Hon'ble High Court, Allahabad against his removal order which was allowed and the orders of the DS Lucknow and AME Lucknow upto the stage of show cause notice were quashed. The workman was again served with a show cause notice and without affording him a reasonable opportunity of self defence despite request he was removed by AME and appeal against the said order was also rejected. During non-employment the workman took the manual labour to earn his livelihood but fell down from a leddor in which his wrist bone was broken and after long hospitalisation he approached General Manager through writ petition which was also rejected. It is contended by him that the removal order passed by AME is bad in law and without jurisdiction. It is further contended that no fresh show cause notice could be issued without holding enquiry denove while proceeding is thus vitiated mala fide perverse and illegal and is liable to be set aside.

44. The management in the written statement admitted that the workman was removed from service lawfully.

45. The workman himself has admitted in para-8 of his claim statement that the Hon'ble High Court which allowed his writ ordered that the orders of the DS, Lucknow DME & AME upto the show cause stage was quashed. This admission shows that the enquiry proceedings and findings of the enquiry officer was not set aside on any ground but only orders of the punishing authority after show cause notice was quashed and it is on that count that proceedings upto the show cause notice were quashed.

46. The management rightly in consequence of the orders of the Hon'ble High Court in writ petition served the workman with another show cause notice proposing punishment of removal on the basis of the findings of the enquiry officer and after considering his reply terminated his services again.

47. The only argument of the workman is that after quashing removal order by Hon'ble High Court the entire disciplinary proceedings merged in the same and no fresh show cause notice for proposed punishment could be issued

without holding enquiry *denovo*. I do not agree with the contention of the learned representative of the workman. The workman has not filed the copy of the order of the Hon'ble High Court. On the basis of his own admission in para 3 of the claim statement that the writ was allowed and orders of the DS and AME upto the stage of notice were quashed shows that the enquiry was not held vitiated on any ground and only the orders subsequent to the show cause notice was quashed. The representative for the workman has not given any law that despite specific orders of the Hon'ble High Court, the orders of the Divisional Superintendent D.M.E. and AME upto the stage of show cause notice for being quashed, the same would entail quashing of the entire disciplinary proceedings.

48. In these circumstances I do not find any illegality and give my award accordingly holding that the action of the management in removing Shri S. N. Gaur from service is justified.

49. Now coming to the case of workman Ram Sagar. It is averred in his claim statement that he was a casual labour from 21-6-76, that he passed his medical examination and fit memo was deposited by him on 2-2-80 and worked regularly till 14-7-80 when another person Devta Deen was appointed at his place.

50. No evidence has been given on his behalf. Merely working for five months will not give him a right of reinstatement unless it is specifically proved that he worked for 240 days in a span of one year. It is true that the management has not contested the case but in order to get award in once favour one has to prove his case by cogent evidence. In the absence of any legal evidence, the workman is not entitled to reinstatement as prayed for. I therefore, give my award in the case of workman Ramsagar holding that the action of the management was justified and he is not entitled for any relief as prayed for.

51. Now coming to the case of workman Suresh. It is averred that he was working under PWI as gangman since 15-2-71 and completed his 240 days on 27-4-72 and was retrenched from service on 31-1-73 without giving one months notice or retrenchment compensation and arrears of difference between casual labour rate and prescribed scale rate. He preferred an appeal to the higher authorities but getting no relief and thereafter filed a case in labour court wherein he was advised to bring the matter by industrial dispute, he consequently raised dispute which has finally been referred to this Tribunal. In the grounds besides notice and retrenchment compensation another plea taken is that persons junior to the workman have been retained in service and gave authorised scale and regularised while workman was discharged without compliance of rule 77 and 78 of the I. D. Rules Central.

52. The management was debarred from filing the written statement.

53. The workman gave his evidence on affidavit and filed photo copy of the casual labour card. This casual labour card shows that the workman worked in all for 516 days working from 14-10-70 to 10-8-73. Counting backward from 13-4-72 he had completed more than 240 days. It was after termination on 26-5-72 he was not given work till 2-12-72, when he was given work for about a month and terminated on 30-1-73. The workman has thus completed 240 days and had acquired temporary status under the Industrial Dispute Act and could not have been terminated unless he was given retrenchment compensation under section 25-F of the I. D. Act which having not been done the retrenchment was illegal. Further he could have been given temporary status and scale rate salary after completion of 120 days of work. Workman was examined by counsel for management whose appearance and participation in further proceedings was not barred. The workman denied the management's suggestion that he himself did not go for duty. He asserted that he had been going for duty but was not enrolled on the ground that there was no vacancy. He admits that he did not raise any objection in writing. In his affidavit para 8 the workman has averred that fresh recruitment were made after 30-1-73, but no information was given to him regarding that. In the circumstances that the workman worked for 240 days continuously in one year he was entitled to one months notice and compensation and in the absence of the same the termination is

void *abinitio* and the result is that the workman is entitled to be reinstated in service with full back wages.

54. I, therefore, hold that the action of the management in the case of workman Shri Suresh was not justified and the result is that the workman has to be reinstated in service with full back wages.

55. I, therefore, give my award in the case of workman Shri Suresh accordingly.

56. Now coming to the case of workman Shri Kaplesh Kumar. It is averred in the claim statement that he was ceased to work w.e.f. 14-7-78 without any notice, notice pay or retrenchment compensation when he was working as casual labour under Inspector of works Line Northern Railway Lucknow. He had completed 240 days of work in span of one year and has also completed 120 days and thus acquired temporary status of temporary employees. His services were terminated whereas juniors to him namely Siyaram, Ramesh Kumar, Ram Tirath, Ram Milan and several others were allowed to continue in service in utter disregard of provision of section 25-F, G and H of the Industrial Dispute Act, thus the termination being illegal the workman is entitled to be reinstated in service with full back wages.

57. Alongwith the claim application the workman filed copy of the letter No. E(LL)/7180/10/1-7, dated 10-1-72 from Deputy Director Railway Board New Delhi which relates to application of Industrial Dispute Act in respect of casual labour on railway maintenance of seniority list of workmen before retrenchment. In that circular relying on the judgment of a case of Patna High Court, the Board directed as follows :

Thus it is necessary that each district officer incharge, Divisional Personnel Officer or the Personnel Officer concerned should maintain regularly a combined categorywise seniority list in respect of all casual labour employee under him in any of the units taken together. If any surplus labour is required to be discharged, retrenched should ordinary be erected on the basis of last come first go from the relevant combined seniority list. These lists are also required to be displayed on the notice board in a conspicuous place 7 days before the actual date of retrenchment.

58. The management in its written statement asserted that the workman was not entitled to notice pay or retrenchment compensation. According to the management the applicant did not turn up for work and after 20-7-77 left the work of his own accord and the juniors were re-engaged as they were present themselves for work on the dates of recruitment and the workman did not present himself for engagement when recruitment for fresh period was opened after the expiry of sanction for previous period and hence the applicant is not entitled to any relief as claimed.

59. The management gave affidavit evidence of one Shri T. N. Dewedi, but he never appeared for cross examination.

60. On the other hand workman has given his affidavit and was cross examined. The workman has also submitted photo copy of his casual labour card. Workman in cross examination admitted that he was not working with the railway since July 1978 when his services were terminated in 1976, he was working at Aigain which is also not in the charge of Inspector of Works Lucknow. He has denied that he used to go for appointment from 1st to 15th in 1978 alongwith 20 labourers, Shri O. S. Srivastava use to take them at Aigain on card pass. On question put by the management representative if he was in service from 20-7-77, the workman stated that if he was in service that must have been written in his service card. He has again asserted that he used to go for appointment from 1st to 15th in 1978, after termination but he was not given work and that before August 78 he had been going regularly for work.

61. A perusal of the record of the service as casual labour it appears that the workman was recruited as casual labour on 16-3-73 and worked as casual labour upto 14-7-78 counting backwards from 15-7-78 the workman worked for more than 240 days in a span of one year. His services could not have been terminated without giving him notice, notice pay or retrenchment compensation. Normally his name should have been struck off on 14-7-78 and notice for fresh casual work been given to him. If workman did not turn up he should have been found for fresh work. It is now well settled law that even striking of name from the rolls of the casual labour amounts to retrenchment. The workman has averred that persons junior to him namely Shri Siya Ram, Kripa Shanker, Ram Asrey and Ramesh were allowed to work.

62. Thus in these circumstances, the termination of the workman would be illegal as he was terminated without giving him notice, notice pay or retrenchment compensation.

63. I, therefore, hold that the action of the management in the case of workman Kamlesh Kumar is not justified and the result is that the workman has to be reinstated in service with full back wages.

64. I, therefore, give my award in the case of workman Shri Kamlesh Kumar accordingly.

65. Now coming to the case of workman Shri Kalicharan it is averred that he was appointed as casual labour on 1-7-64, with the then workshop of Electrical Engineer Northern Railway Loco Workshop Charbagh Lucknow. He continued to work upto 29-5-67 when he was served with memorandum of major penalty on 19-9-67. On 26-9-67, another memorandum for major penalty was served on him. Enquiry was proposed for both the memorandum to which workman replied separately. The enquiry could not commence when he was served with notice of termination effective from 12-3-69. The workman was not tendered retrenchment compensation as required under section 25F of the Industrial Dispute Act and that the juniors to him were retained while service of the workman were terminated. The workman consequently filed writ petition against the termination which was allowed on 10-9-72. The railway filed special appeal against that in which management was directed to go through the process of industrial dispute. The termination of the workman brought about without compliance of provisions of section 25 FG and H of the Industrial Dispute Act is illegal and he will be deemed to be continuing in service and would be entitled to full back wages.

66. The management contested the case on the ground that the present case of the applicant is barred by principle of Resjudicata as his earlier application on same cause of action were dismissed. According to the management he was appointed on 1-8-64 and not on 1-7-64. The management has denied that the termination was illegal but asserts that the termination was proper as the workman has failed to qualify in selection by properly constituted selection board.

67. In the rejoinder the workman urged that since charge sheet against him was not withdrawn the termination of the workman by giving him with a months of notice amounts to punishment in disguise which could not have been done without an enquiry and is hit by article 311(2) of the Indian Constitution. Further as the provisions of section 25F of the Industrial Dispute Act were not complied with the termination of the workman is illegal.

68. The management has filed copy of the printed serial On 2463-circular No. 220-E/O/IV dt. 26-3-64, this circular clarified that a man engaged as casual labour or substitute whether direct or through employment exchange has necessarily to qualify for regular appointment through the selection board. The management has further filed the circular dt. 12-4-69 of Electrical Engineering Section which shows that consequent upon enquiry of notice period from the afternoon of 12-4-67 workmen is discharged from service w.e.f. 12-4-69. The management has also filed discharge notice dt. 11-3-69 given to workman that as selected candidates for the post of khalasi are available the services of the workman were no more required and one months notice was given and the services will be terminated on the afternoon of 12-4-69. The management has thereafter filed a long list of persons placed on penal of electrical khalasies.

69. In the instant case the workman has filed his affidavit reiterating the facts given in the claim statement. He filed the memorandum as annexure I alongwith affidavit as the statement of charges. Annexure III is its reply. Despite workman representation through annexure No. VII enquiry was never finalised and the discharge notice dt. 12-3-69 was served upon him. The workman has also filed annexure IX railway boards letter dt. 31-11-53 showing that workshop staff including skilled semi skilled and unskilled excluding those in running shed after completion of 3 years service have to be treated as confirmed.

70. He admits in cross examination that he did not received any letter to become permanent but asserts that he became permanent in 1965.

71. The management also filed affidavit evidence of one Shri Dhar Tewari but he was never produced for cross examination.

72. No doubt the workman was charged for gross misconduct but the management decided not to proceed with the enquiry gave him notice of discharge simpliciter. The discharge notice shows that as qualified persons were available for the post of khalasi who had been empanelled passing through selection board, no retrenchment compensation as required under section 25F of the I.D. Act was tendered or paid to the workman at the time of said discharge. In these circumstances, the termination of the workman would be illegal and he will be entitled to be reinstated in service.

73. I, therefore, hold that the action of the management in the case of workman Shri Kalicharan is not justified and the workman will be reinstated in service with full back wages.

74. I, therefore, give my award accordingly in the case of workman Kali Charan.

75. Now coming to the case of workman Shri Genesh Prasad. The case of the workman is that he was discharged from service w.e.f. 9-9-77 while serving as lampman under station master Raibarely. He met with an accident on station road while coming on duty on 26-6-76 and was admitted in railway hospital at Lucknow from where he was discharged from 11-7-77. He was recommended for light duty by Divisional Medical Officer Northern Railway Lucknow as his left leg had gone defective. The workman was neither paid any compensation nor offered light job as recommended by the railway doctor. The workman has consequently prayed for reinstatement on some light job with all back wages. It is further averred by the workman that discharge of the workman amounted to retrenchment which being without notice and payment of retrenchment compensation was illegal and that no efforts was made to found out alternative job for the workman at the time of his retrenchment as recommended by the railway doctor. The workman summoned 4 documents namely termination letter service record, record of pension and gratuity and provident fund paid to workman and DMOS fitness certificate but nothing was produced. Management had been taking time on one pretext or the other and the delayed reference was further being delayed hence the defence was struck off.

76. In support of his contention the workman gave his affidavit evidence retreating the stand of the claim statement. He was cross examined by the management representative where he testifies that he was sick from 29-6-76 to 11-7-77. He has denied that he was made medically unfit on 11-7-77. If it was so the management should have filed medical certificate of the medical officer declaring him unfit for any job in the railway. As the documents are with the management and despite being summoned the same has not been produced and an adverse inference should be drawn and as such the contention of the workman has to be admitted that he was not declared medically unfit but simply recommended for light duty. He has further stated that light duty would have been duty in the waiting room or in the retiring room and the vacancy was there at Retiring Room at Lucknow, Raibarely, Faizabad and Barabanki. He further states that he was compulsory retired on 19-7-77 but not on medical ground. It may be mentioned here that order of retirement has not been filed by the management. Further accordingly to the workman himself as averred in the affi-

davit as well as in the claim statement he was discharge on 9-9-77. He has further stated that he has not received gratuity and provident fund and is still occupying railway quarter. He has denied the suggestion of the defence that all his retirement dues has been paid except Rs. 1278.61 with held on account of failure to vacate the railway quarter.

77. Under the extant railway rules workman Ganesh Prasad if declared medically fit should have been given alternative job and only after all efforts to provide him with alternative job fails only then his services could have been terminated. No documents have been filed by the management to that effect. A premature retirement adversely affecting the workman financially as penal consequences. Such an order should have been issued in accordance with principles of natural justice and notice for retirement from a certain date giving reasons of retirement should have been given. The workman should have been given an opportunity to show cause against his proposed retirement and disclose vacancies where he could be absorbed as per recommendation of the railway doctor. Further if the workman was retired prematurely he should have been given notice pay retrenchment compensation which has not been done hence termination is also hit by provision of sec. 25F of the Industrial Dispute Act

78. In these circumstances and for the reasons discussed above, I hold that the action of the railway management in terminating the services of the workman is not justified and the result is that the workman will be reinstated in service with full back wages.

79. I, therefore, give my award in the case of workman Ganesh Prasad accordingly.

80. Now coming to the case of workman Sohan Lal. From the claim statement of the workman it emerges that the services of the workman were terminated on 30-4-66. The case of the applicant is that he was appointed as porter in Northern Railway on 12-7-44 at Lucknow Head quarter and was promoted in due course as driver grade II. He was transferred to Udhampur in district Sultanpur but he fell ill from 30-1-65 to 20-2-65 and he was under the treatment of the railway doctor during this period but feeling necessary to change treatment he under went treatment of a private doctor and submitted his Private Medical Certificate. He joined duty on 19-1-66 after under going six days of medical of the DMO of Northern Railway. He joined duty on transfer at Udhampur on 23-1-66. The A.P.O. II issued a charge sheet against the workman and which was served on him on 23-1-66 and enquiry was held on the said charge sheet in which the enquiry officer held that the workman was unauthorisedly absent from 29-2-65 to 13-1-66, without proceeding any medical finding in enquiry against the workman. Station Master Deorakot had admitted in the enquiry that he received medical certificate from the workman which he had forwarded to Divisional Personnel Officer II. A show cause notice was issued to the workman on 29-3-66 which he replied but without recording any reasons for non acceptance of PMC the APO II passed removal order of the workman on 30-4-66. An appeal preferred to DPO NR was also rejected without recording any reasons. It is consequently prayed that as the punishing authority APO-II acted in utter disregard of the rules laid down in Railway Establishment Code and the boards instruction the termination of the workman is illegal, and consequently it is prayed that he be reinstated in service with full back wages.

81. Workman has filed railway boards letter no 08H/1/12 dt. 26-6-70 and has also filed printed serial no 5027 of the railway board dt. 22-5-70.

82. The management despite sufficient time allowed did not file any reply hence right of defence was struck off.

83. Workman gave his affidavit evidence on affidavit incorporating the stand taken in the claim statement. In cross examination he disclosed that he was under treatment of Dr. Mukharjee and has stated that he had been submitting medical certificates regularly. He further states that his illness was of blood infection. He testifies that he had been giving medical certificates to Shri R. N. Singh Station Master Deorakot but never took any receipt for handing over the same.

84. Printed serial No. 5027 dated 22-5-70 lays down that under partial direction in provision contained in para 1472 of chapter 14 of the Railway Establishment Manual the board have decided that medical certificate from registered private practitioner produced by railway employee should be rejected by competent authority only if a railway medical officer has conducted necessary medical verification and on the basis of the advised tendered by him after such verification. In another boards letter dt. 26-6-70 referred above, it clarifies the boards letter dt. 22-5-70 referred above and lays down that only in such cases where the competent authority has reasons to suspect the benefit of the request or he finds it difficult or unable to adopt a reference should be made to DMO for verification, before PMC is rejected.

85. In view of this instruction the PMC should not have been rejected unless the Railway Doctor verified the same and reported that the same was not worthy of reliance.

86. In these circumstances the punishment meted out to the workman with removal from service was not just and proper and was against spirit of the rules on the point thus making it illegal.

87. The result is that the termination of the workman being illegal he is entitle to be reinstated in service with full back wage.

88. Now coming to the case of Ram Kishore. It is averred in the claim statement that he was appointed on 28-7-41 and retired as driver grade A special under Loco Foreman Northern Railway Lucknow on 29-2-80. That the date of birth recorded in his service record originally was 21-7-21 which was subsequently altered as 29-2-22 and no information was given to the workman about the change of date of both recorded in service record; the workman came to know about this fact in the year 1969 and consequently he submitted an application to the DRM Northern Railway with a copy to the General Manager for correction of his date of birth; workman submitted an application for the change of date of birth on 29-7-73 but all those lost and the last reminder sent on 13-6-79 remained without any response; the workman was retired on 29-2-80, without any notice. He submitted his appeal against his premature retirement but the management did not reply to that also; the workman has claimed wages etc., on account of his late promotions and passes and PTOs benefits which can not be allowed in this industrial dispute case and in case the award goes in his favour only then he can claim all these amounts due to him in application under section 3-c-2.

89. In the instant case only this has to be seen whether retirement of the workman was justified.

90. In support of his case the workman has filed photo copy of his vernacular of his final examination issued on 1st July 1939 showing that the date of birth of the workman Ram Kishore was July 23rd, 1924. Workman has also filed certificate of upper primary dated 16-4-36 showing that the workman passed IV class and his date of birth recorded in school register was 23-7-24. According to his own showing the entered in service on 21-4-41. According to the certificate filed by him his date of birth is accepted as 23-7-24, he would have been only 17 years of age at the time of entry in railway service. It is a matter of common knowledge that no employment is possible in railway below the age of 18 years. The workman admits that his date of birth recorded in service record was 21-7-21. Taking this as correct he would have been 20 years of age on the date of joining the railway service even then his date of birth was altered as 29-2-22 he would be about 19 years 5 months of age. The railway administration has given its workman right to move application for correction of date of birth prior to July 73, the workman has not filed any document to show that he ever moved any such application nor summoned any document from the management.

91. The workman has admitted that he did not sent any application by registered post but only under certificate of posting. He has filed application dt. 3-11-72 which allegedly he sent under UPC to the General Manager, New Delhi. It appears that it bears the seal dated 30-11-72. This certificate appears apparently to be forged as UPC was prepared on a paper of postal department which was itself printed on 14-11-81. The workman has not filed any application dated 29-7-73. Thus there is no application given to the manage-

never before July 1973. The workman moved application for change of date after his retirement on 29-3-80, which was rightly not altered by the management. If the date of birth of the workman was really 23-7-24 and he wanted to change the same he should have complied before July 1973 when the railway administration required application from its employee generally for change of date in joining cases. It may be that the workman did not avail of there two certificate because had he mentioned that date of birth his entry in the service would not have been possible on 21-7-41. The calculation noted on the certificate of the upper primary certificate lend support to this contention as on 31-3-40 the workman calculated his own age by deducting his date of birth from 31-3-40 and on that date his age come to be 15 years 8 months and 8 days showing thereby that he was minor and would continued to be minor on 21-7-41, had his date of birth nor recorded as 21-7-21 in the service record which according to him was later changed to 29-2-22.

92. If all this was true the workman had been victim of his own faulty and his contention cannot be allowed to prevail after his retirement that he did not avail the management's general instruction to apply for change of date of birth by July 1973.

93. In the circumstances I hold that the workman was rightly retired on attaining the age of superannuation on 29-2-80. I, therefore give my award in the case of workman Ram: Kishore.

94. Now coming to the case of workman Mool Chandra (dead). His case in the claim statement is that he was appointed in the railway service on 1-6-23. Reference is that whether the action of the Northern Railway in retiring Mool Chandra is justified. It is common ground that in the service record the date of birth of the workman is recorded as 15-5-1905, on the basis of which he was retired on 15-5-68 after attaining the age of 58 years. His contention is that his date of birth wrongly recorded in service book and the same is really 15-5-1909, and in this way he should remain in service 4 years more.

95. In support of his case the workman has filed photo copy of one certificate of entrance in school where his date of birth is recorded as 1-7-1909 and this certificate was issued on 20-11-72.

95. The workman is since dead and his wife is continuing the case. It is contended that the workman was retired without any notice. The workman has failed to show that under extant rules he was entitled to any notice before attaining the age of superannuation and also actual retirement. If the certificate was obtained as early as in November 1972, the workman should have agitated the matter with the management as till July 73 the management was considering application for change of date of birth on cogent and reliable evidence. It appear that the workman never availed of the facility given by the management. The workman's contention that his date of birth was 15-5-1909, does not confirm with the date of birth given in entrance certificate of the school certificate photo copy of which has been filed.

96. In these circumstances there being no justifying cause to order otherwise and to hold that the retirement of workman was justified.

97. Now coming to the case of workman Behari. The case of the workman is that his date of birth in the service record was recorded as 30-11-20 and he was appointed in service on 13-10-39; his retirement was due on 30-11-78 but he was prematurely retired on 22-9-76; that premature retirement order was subsequently cancelled by general manager northern railway and he was reinstated. He obtained fitness certificate after medical examination on 16-9-78, but he was never assigned duty nor paid his wages. He moved application for computation of his money benefit which was allowed by labour court. Review of the order was also rejected. He went in writ to the High Court which too was dismissed with cost. Due to all this litigation workman could not submit his option for pension, hence he gave option after the decision of the High Court but the railway has failed to take his option for consideration as juniors were promoted and mean while in this way he suffered a loss of two increments and gratuity. He has consequently made a request for computation of his money benefit

391 GI/87—11.

98. It may be mentioned here that the reference is regarding justification of the retirement. For computation of money benefit the workman is free to bring his case before the labour court.

99. The premature retirement of the workman on 22-9-76, was recalled by General Manager and he was reinstated and in the normal course his retirement came on 30-11-78 on attaining the age of superannuation at the age of 58 years. It cannot be said that the retirement was not justified. If the workman was not given duty till then he has a right to claim wages and apply for computation of the same if not already done and received on the ground that his pay was wrongly withheld by the management. In the circumstances, I hold that the retirement of the workman at attaining the age of superannuation was justified.

100. In the case of workman Ram Nath mentioned at serial No. 6 in the reference order, it is mentioned that the union sponsoring the case of all the workmen has not filed the claim statement, hence in his case let it go as no claim award.

101. I, therefore, give my award in case of all the workmen as above.

Let six copies of this award be sent to the Govt. for its publication.

R. B. SRIVASTAVA, Presiding Officer
[No. L-41011/17/80-D.II(B)]

का. भा. 1578:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मार्वरन रेलवे के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, बमुबध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रधिकरण, कामपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25 मई 1987 को प्राप्त हुआ था।

S.O. 1578.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, and their workmen, which was received by the Central Government on the 25th May 1987.

BEFORE SHRI R. B. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, KANPUR.

Industrial Dispute No. 4 of 1985

Reference No. L-41012/22/84-D.II(B) dt. 12-2-1985

In the matter of dispute between :
Shri Badri Prasad Srivastava
C/o Shri B. D. Tewari
Zonal Working President
Uttar Railway Karamchari Union
96.196 Roshan Bajaj Lane
Ganesh Ganj
Lucknow.

AND

The Divisional Railway Manager
Northern Railway
Hazaratganj
Lucknow.

APPEARANCE

Shri B. D. Tewari—representative for the workman.
Shri Ravi Jauhari—representative for the management.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-41012/22/84-D-II(B) dt. 12-2-1985, has

referred the following dispute for adjudication to this tribunal;

Whether the action of the management of Northern Railway in retiring Shri Badri Prasad Srivastava, Pharmacist w.e.f. 31-5-80 is justified? If not, to what relief is the workman concerned entitled?

2. The case of the applicant is that he was retired on 31-5-80 as pharmacist under Divisional Medical Officer of the DRM Northern Railway Lucknow. That according to the school certificate of the municipal birth certificate submitted to the railway management he was born on 12-5-26 but his date was informed in the management service record as 12-5-22 which contain some alteration. The workman applied for correction of date of birth recorded in service record on 26-3-73, as the railway administration had fixed a dead line for submission of such application by 31-7-73. Though he had applied and the same has not taken into consideration and he was retired on 31-5-80, instead of 31-5-84. In this way he had suffered monetary loss amounting to Rs. 57600 by way of salary and Rs. 15000 by way of benefits he would have received. His retirement was made without any speaking order.

3. The case of the management as set out in the written statement is that the workman entered in management service got his date of birth recorded as 12-5-22. It is further averred that before joining railway department the workman was employed in COD where his date of birth was recorded as 1922. In necessary certificate to this effect was also issued by Military Department which the workman himself filed before the Divisional Superintendent Northern Railway through proper channel. It is however, admitted that railway administration had twist dead lines for submission and an application for change of date of birth till 31-7-73 was required and the workman concerned did not move any such application. That the workman being a literate man was appointed in the management as dispenser on 10-12-51 and on the basis of his date of birth recorded in the service record was rightly retired on 31-5-80.

4. In rejoinder workman has averred that DPO's letter dt. 29-1-79 and 10-3-79 together with ADMO Varanasi letter dt. 2-1-80 are sufficient proof that applicant had made application for change of date of birth within time.

5. In support of its contention workman has filed 14 documents paper No. 1 is photo copy of the scholar register issued on 28-12-74 in which workman's date of birth is recorded as 12-5-26, paper No. 2 is affidavit of Badri Prasad addressed to General Manager Northern Railway Delhi dt. 29-12-78 asserting that his date of birth was 12-5-76. He has further filed paper No. 3 municipal birth record which shows that on 12-5-26 a son was born to Mishri Lal. Paper No. 4 is application of workman regarding change of his date of birth given to DS Lucknow. Other papers are all regarding the same and lastly he had made representation to the Railway Minister.

6. On the other hand the management has filed 3 documents paper No. 1 is photo copy of the service book in which his date of appointment is written at 10-12-51 and his date of birth is 12-5-22 paper No. 2 is the application of the workman dt. 2th August, 1961 written to Divisional Superintendent Lucknow, through proper channel. In this workman admitted that he was working as dispenser from 10-12-51 and that prior to joining railway he had worked in COD Cheoki Allahabad, regarding the railway administration to add services rendered in defence department. to his present service. He attached the attested copies of duplicate service book which is paper No. 2 it is signed by Shri Iqbal Singh and in this date of birth of the workman is recorded as per their record as 1922, so till August 1961 the workman had no objection and his date of birth was recorded as 1922 in the COD as well as in the railway.

7. The management did not adduce any oral evidence and simply relied on the documents filed.

8. Workman gave his affidavit evidence asserting the stand in the claim statement.

9. In cross examination he stated that he did not remember when asked that he had applied in 1961 that his service of COD be counted and seniority be given for that service.

When original of paper No. 3 of the list filed by the management on 12-9-86 was shown the workman admitted that the same bore his signatures and application was marked ext.M-1. He admits that in COD service his date of birth was recorded but he had not filed any document there regarding his date of birth. When confronted with Ext. M-1 and its annexure wherein his date of birth is recorded as 1922, he stated that he did not file any application for correction, after seeing the annexure of Ext. 1 signed by Major Iqbal Singh. He in the end admitted that it was a fact that his date of birth was recorded as 1922 in the records of COD and that very date of birth he had got written in the railway at the time of his appointment. It does not appeal to reason that a man will not remember his date of birth correctly at the age of about 29 years when he is seeking re-employment in the railway. Further he did not try to correct his date of birth with COD when he came to know that his date of birth was 1926. He has admitted that it was in the year 1973 that his date of birth was wrongly recorded. It is pointed out by the representative for the management that when application for correction of date of birth if any was invited by railway management till 21-7-73 workman thought to get his date of birth corrected and obtained a Transfer Certificate Annexure I on 28-12-74, birth certificate on 8-12-78 and moved an application dt. 25-3-73 with the railway administration annexure 4 for correction of date of birth.

10. It appears that the management considered those application and did not consider it proper to change the date of birth. Before this tribunal the workman has not given cogent evidence that his date of birth was really 1926 and not 1922. The workman should have summoned original of school leaving certificate and lead connecting evidence as to how and at what stage the date of birth of the workman was recorded as 12-5-76 in that. In the absence of any cogent evidence I am not inclined to believe the documents filed by workman which saw the light of the day after management fixed 29-8-73 as the last date for submission of application or change of date of birth. The workman has failed to substantiate as to what is date of birth recorded earliest with the COD. As 1922 should not be accepted as correct.

11. In these circumstances and for the reasons discussed above I hold that the workman was rightly retired w.e.f. 31-5-80.

12. I, therefore, give my award accordingly.

12. Let six copies of this award be sent to the government for its publication.

Dated 5-5-87

R. B. SRIVASTAVA, Presiding Officer
[No. L-41012/22/84-D.II (B)]

का. आ. 1579:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य नियम के प्रबंधन से सम्बन्धित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के संघटन को प्रकाशित करती है, जो केन्द्रीय सरकार को 25 मई, 1987 को प्राप्त हुआ था।

S.O. 1579.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India, and their workmen, which was received by the Central Government on the 25th May, 1987.

BEFORE SHRI R. B. SRIVASTAVA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, KANPUR

Industrial Dispute No. 37 of 1986

In the matter of dispute between

Shri Ram Autar II and others
Clo President Bhartiya Khadya Nigam Mazdoor Sangh
FCI I Abdul Aziz Lane Lucknow.

AND

The District Manager

Food Corporation of India

B. N. Road Lucknow.

APPEARANCE

Shri M. Shakeel representative—for the workmen.

Shri G. P. Pandey representative for the Management

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/27/85-D.V dated 6th February 1986, has referred the following dispute for adjudication to this Tribunal;

Whether the action of the District Manager FCI Lucknow in denying regularisation and wages equal to regular workers to seventeen casual workmen (per annexure to the schedule) is justified and legal? If not, to what relief concerned workmen are entitled?

2. The case of the applicants are that they are working in CI Dal Mill Talkatora Lucknow for the last several years and have completed 240 days complete service in a calendar year twice or thrice, that they are working on a permanent nature of job but despite that they are called by the management as casual labour, their nature of the job and duties are similar to those regular workmen of the mill and as departmental labour are getting regular wages besides benefits of DA HRA IRA etc. Besides the workmen other workers of the management are performing the same duties as that of other departmental labour and are getting benefits of scale rate wages but the workmen are deprived of the benefits. The management is paying lay off compensation weekly holidays bonus leave etc. to these workers. Simply they are not getting wages according to the regular workers without any legal justification and in these circumstances they have prayed that they be regularised and wages equal to regular workers be made available to them also.

3. Management has contested the application on the ground that there is no labour named Pgdreen whose name appeared at serial No. 17 in the reference order who ever worked in PCI Dal Mill. It is contended that the nature of Dal Mill Lucknow is not of permanent nature and the running of dal mill is dependent upon availability of raw material, power supply etc. Thus the daily rated casual labour are engaged from time to time at Dal Mill at Lucknow. The workers of the Dal Mill are getting minimum wages under minimum wages act of UP. In the end it is stated that there is no provision of regularisation for services of the workmen under the Industrial Dispute Act. Management has filed absentee statement of daily wages casual labour of Dal Mill for the month of January 1986. Paper No. 2 is the certificate of the Unit Manager Dal Mill that there is no workman in the name of Prag Deen and paper No. 3 is Photo copy of the work done slip of Gang of departmental labour who were deputed for various works at Dal Mill.

4. In rejoinder it is averred that the 17 workmen under reference are working at Talkatora w.e.f. 79 as daily rated worker in permanent nature of job without break in service and forced to work as casual labour. It is further averred that Dal Mill is not a seasonal factory and is running since 1974 without break and is registered under factory Act.

5. In support of its contention the management examined the District Manager on affidavit.

6. In cross examination he has admitted that FCI Dal Mill is functional since 1975 or 76 and is registered under the Factories Act but is seasonal in function and is not in continuous working. It functions only when whole pulses are available. He however states that at present Mill is not functioning on account of non availability of raw materials and supply of pulses to defence department have been manped by the Ministry. He is not able to say for how many days in a year mill functions from 76 till 1986. He has shown his inability in saying whether the mill is registered as seasonal mill or a permanent mill. In the end he states that permanent staff of the Dal Mill are partly retained and

part of them have been transferred and they are getting full pay.

7. On the other hand workers on behalf of the workmen filed 10 documents. Paper No. 1 is wage slip of regular workers relating to 5 persons. These slips are all of the categories of the labour who are getting basic wage along with DA, HRA CCA IRA etc. and the dearness allowance in their case is more than their basic salary and the wages have been paid on the basis of actual working days. Workman has filed the letter of the Deputy Manager NK Dey to the District Manager FCI Lucknow intimating that the Regional Manager disputes that the minimum wages payable to monthly workers be also paid to the daily rated casual labours at Lucknow with immediate effect i.e. basic pay plus allowance. It is dated 17-6-77 and the basic pay recommended there in is 120 and DA as 51. The workers have also filed total work done slip of the workers posted regular basis in the Dal Mill in 25 page and then again 25 pages and 24 pages. They have also filed the identity slip of the two of the workmen Ram Autar II and Mohd Wasi and their designation is written as daily rated labour Workman has further filed wage slip of Dal Mill workers of all 12 in numbers comprising of some of the slips of the workmen of instant case. This shows that although they are getting basis pay wage and DA for the number of days worked. They have not been given CCA, HRA etc. and there is no contributory provident fund contribution in their case as in the case of permanent workmen. workman has also filed leave account book of three of the workmen showing that they have been granted earned leave as in the case of regular workmen. The workmen have filed award of this tribunal given in industrial dispute No. 5 of 1983.

8. From these documents it is amply clear that the workers of the Dal Mill who worked as labour are getting wages and DA as in the case of permanent workers but are not given HRA CCA benefits of CPF as in the case of permanent employee though both of them worked as labour. They also get benefit of leave etc. as in the case of permanent employees. The management had recommended basic pay. The management has also filed copy of the settlement whereby management have agreed to give compensation for lay off as well as annual leave w.e.f. 1st January 1979 and these advantages are taken to facility metted out to permanent workmen. Thus the management has been treating these workmen partly as permanent employees for facility of leave bonus etc. and also on the point of basic wage and DA but not on other counts of HRA, CCA and CPF.

9. On behalf of the workmen one Shri R. S. Maurya appeared in the witness box and had given affidavit. He had testified the stand of the claim statement that the management is treating workers of Dal mill differently as casual labour whereas departmental labour working at Dal Mill are getting all the facility of a permanent workmen though the nature of job of both is that of a labour working at FCI and on the principles of equal pay for equal work they should not be paid less than his counter parts i.e. departmental casual labours.

10. In cross examination he has deposed that he worked for lifting bags carrying them to out from Dal Mill and the departmental workers also carried bags to the platform from the Dal Mill and what ever they work the same work was done by them also. He further stated that they also enjoy the same facility as is enjoyed by the factory labour and only pay was less than those persons. In the end he states that departmental labour employed from before and they were employed in 1977.

11. Departmental labour in the factory doing work of loading unloading, get scale rate pay whereas the workmen working for about 12 years since 1977 or earlier are getting less pay for the same work and on the principles of equal pay for equal work they are entitled to scale rate wages and not daily minimum working wage and treating them as casual is an unfair labour practise. It may be so that presently the management has stopped supplying dal to the defence department and the Dal Mill is not functioning and the workmen have been laid off but there is nothing on

record that the Dal Mill was registered as seasonal factory under the Factory Act. On the other hand the evidence is that it was functional for whole or year major part of the year they were also doing job which was of regular nature. Thus relying on the ruling of *Dhirendra Chamoli Versus Nehru Yuvak Sansthan* 86 Lab. I.C. Page 86 the present workmen are also entitled for scale rate of pay, *meis* because a factory is non functional for some part of year or that the management has failed to procure the raw materials or whole pulses for crushing in Dal Mill, it will not become a seasonal Mill. I believe the workman evidence that the Mill was functioning for most part of the year though lately it is lying idle and the workers have been laid off. Management has admitted that departmental labour are at times booked for working at Dal Mill and they work as labour for all practical purposes i.e. handling of bags loading unloading filling seeking and restocking them etc. it cannot be said that this work is entirely different from the workers of the Dal Mill in question and also do same type of manual work of handling loading unloading of bags. No doubt there is no provision under the Industrial Dispute Act for regularisation of the services of the daily wages casual labours yet it has to be seen whether continuing labours as casual for years together when the working there is an unfair labour practise or not.

12. It is not disputed that these workers are working in Dal Mill since 1976 or 77. Definition of unfair labour practise has been added under section 2(r) (a) examples of such are given in 5th Schedule and at serial 10 it is specifically mentioned that to employ workmen as casual or temporary and to continue them as such for years with object of depriving them of status and privilege of permanent workmen is unfair labour practice. The legislature has added chapter 5C prohibiting unfair labour practise under section 25T and in proper cases penalising those committing unfair labour practise under section 26U. The dictionary meaning of work regularisation is act of making law full and correct, if the same workmen are working on the same type of work for years together, the nature of the work would be permanent and after making on that type of work it will be deemed that regular work of that nature is available meaning thereby that a regular vacancy can be deemed on which they will be deemed to be working as regular workman. If management for some reason or other does not pay them their wages as in the case of other regular labourers they are guilty of unfair labour practice which can be made lawfull and corrected.

13. It has been argued on behalf of the management that departmental labours have to performed loading unloading, stacking and restacking as a skilled and in specialised manner and it is on that count that they are permanently engaged and are given scale rate as oppose to the labour employed in Dal Mill of the management. It is argument that those labourers can lift bags of 2½ months on their back and carry them at different places for stocking which is not the job of workman of Dal Mill. I fail to see any differentiation. Those departmental labours can not be called to be skilled or highly skilled workers having a particular type of training, for all intent and purposes they are labour and to perform any manual labour or job. The same manual job is done by the Dal Mill workers. They also prepared dal in bags and removed them from one place to another and all that manual job.

14. I am accordingly of the opinion that the departmental labour are not handling specialised work and work of casual labour at Dal Mill and the departmental labour is similar. In view of the law laid down in *Dhirendra Chamoli Versus Nehru Yuvak Sansthan* discussed above casual workmen of Dal Mill are entitled to get scale rate wages as other departmental labour of the FCI.

15. In view of the discussions made above I give my award holding that the action of the District Manager FCI Lucknow in denying wages equal to regular workers to 16 casual workmen barring one Prag Deen who has not been proved to be an employee of Dal Mill as per annexure to the Schedule is not justified and legal. The result is that they will be paid scale rate forth with. The question of regularisation is managerial function and it is expected that the management will deal them according to rules in the matter of regularisation.

16. I, therefore, give my award accordingly.

17. Let six copies of this award be sent to the Govt. for its publication.

R. B. SRIVASTAVA, Presiding Officer
[No. L-42012/27/85-D. VI.]

ANEXURE

SL. No.	Name &	FatJer't Nam
1.	Ram Autar II	S/o Ram Bharosai
2.	Mohx. Wasi	S/o Mohx. Ali
3.	Ram SagarfSabhita	S/o fBadri fPd.
4.	Ahshwak Khan	S/o Abbas Khan
5.	RaAeshMar I	S/o Puti
6.	Abdul Azim	S/o Abdul Gharoor
7.	Shaikhar Anil Kumar	S/o
8.	Ram Ghulam	S/o Durga
9.	Ram Sahai Maurya	S/o Raj NatJ Maurya
11.	Raza	S/o
11.	Vimal Kumar	S/o S.N. Srivastava
12.	Om Prakash Koshav	
13.	Vijai Kumar II	
14.	Hanuman II	
15.	Hari Narain	
16.	Smt. Manu Shah	W/o Mani Lal Sahu
17.	Prag Deen	

का. भा. 1580:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेम्बल तसर और रिसर्च और प्रशिक्षण ?स्टीटूट के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, धनुबंध में विनिवृष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के 7वाँ भाग को प्रकथित करती है, जो केन्द्रीय सरकार कोको प्राप्त हुआ था।

S.O. 1580.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Tassar and Research and Training Institute and their workmen, which was received by the Central Government.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(56) of 1984

PARTIES:

Employers in relation to the management of Central Tassar and Research and Training Institute, Central Silk Board, Government of India, P.O. and Distt. Ranchi (Bihar) and their workman, Shri Abdul Bashir, C/o Sheikh Bapuraoji, Anchaleshwar Ward No. 2, (Tadband), P.O. and Distt. Chandrapur (M.S.)

APPEARANCES:

For Workman—Shri S. Mazhar.

For Management—Shri R. K. Pandiya, Sr. Research Officer.

INDUSTRY: Research & Training.

DISTRICT: Chandrapur (M.S.)

AWARD

Dated : May 12, 1987

In exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government in the Ministry of Labour has referred the following dispute, for adjudication—

"Whether the action in terminating the services of Shri Abdul Bashir workman w.e.f. 10-2-83 by the management of the Central Tasar Research and Training Institute, Central Silk Board, Basic Seed Multiplication and Training Centre, Chandrapur (M.S.) is justified? If not, to what relief the workman is entitled?"

2. The case of the workman is that he along with four others were interviewed through the Employment Exchange and appointed as labourer on 15-5-1982. He has completed 269 days service from 16-5-82 to 9-2-83 before his termination on 10-2-1983. His services have been terminated without any notice or retrenchment compensation etc. though persons junior to him are still working. He made various verbal and written representations but without result. He moved in conciliation but the management did not produce the relevant record and proceedings ended in failure.

3. Whenever the worker is employed by an employer on wage condition then it is covered under Industrial Disputes Act. The activity of the management amounts to business. Therefore, it amounts to 'industry'.

4. The case of the management is that the workman Abdul Bashir was employed by the Officer-in-Charge on 15-6-1983 as casual worker on daily wages for doing general and plantation work and he worked with the said Centre upto 10-2-1983. In the eight months he only worked 176-1/2 days since he was irregular in attendance. Hence on 9-2-1983 he was asked to increase his attendance and from next day he did not turn up. Thus the workman himself left the job and remained absent. Therefore there is no question of giving him notice or compensation. The reference is bad on this score. In any case, management is a unit of Central Silk Board established to fulfill its object of assisting and increasing Scientific, technological and economical research in Silk Industry. To fulfil this object the Central Tassar Research and Training Institute, Chandrapur stated this unit in the name and style "Basic Seed Multiplication and Training Centre, Chandrapur" for improving quality and quantity of tassar by providing good quality seeds and demonstrations and training to the local people, especially poor tribals to improve their condition. The seeds procured in this plantation are given to the Government of Maharashtra without any profit for distribution amongst the Tassar growers and the whole expenses are borne by the Central Government. As such, Management of Central Tasar Research and Training Institute, Central Silk Board, Basic Seed Multiplication and Training Centre Chandrapur is not an 'industry' within the meaning of Industrial Disputes Act, 1947.

5. I framed the following two preliminary issues on the objection and my findings with reasons are as under :—

Preliminary Issues

1. Whether I.D. Act is applicable to the present reference?
2. Whether reference is improper?

FINDINGS WITH REASONS:

6. Issue No. 1:—The management has pleaded the type of work they are undertaking. The workman except for denying the same has not asserted to the contrary those facts, specific non-denial is deemed to have been admitted. I have already mentioned the type of activities which the management is undertaking which is fortified from the name and style in which the management and its unit is being worked. Name of the management is the "Central Tasar Research and Training Institute, Central Silk Board" and it 391 GI/87—12

is running this unit in the name and style "Basic Seed Multiplication and Training Centre, Chandrapur" in which the workman was employed as a casual worker.

7. Clause (j) of Section 2 of the Industrial Disputes Act, 1947 defines 'industry'. It reads as under :—

"(j) 'industry means any systematic activity carried on by co-operation between an employer and his workmen (whether such workman are employed by such employer directly or by or through any agency, including a contractor) for the production, supply or distribution of goods or services with a view to satisfy human wants or wishes (not being wants or wishes are merely spiritual or religious in nature), whether or not,—

(i) any capital has been invested for the purpose of carrying on such activity; or

(ii) such activity is carried on with a motive to make any gain or profit,

and includes—

(a).....

(b).....

but does not include—

(1).....

(2).....

(3) educational, scientific, research or training institutions; or

(4).....

(5).....

(6).....

(7).....

(8).....

(9)....."

From the above definition of the word 'industry' it is crystal clear that being research and training institute the unit and the management cannot said to be 'Industry'. Therefore the case of the applicant is not covered under the Industrial Disputes Act, 1947.

7. Issue No. 2:—In this regard, the contention of the management is that since the workman had himself left the service the reference could not have been in the form of if his services were terminated. I am of the opinion that looking to my findings on Issue No. 1 I need not decide this issue.

8. For the reasons discussed above, I hold that the management is not an 'industry' as defined under the I. D. Act, 1947. Therefore this Tribunal is not in a position to determine this dispute. As such the reference is answered that this Tribunal has no jurisdiction to adjudicate upon the dispute. No order as to costs.

V. S. YADAV, Presiding Officer
[No. L-42012/50/83-D.II(B)]
HARI SINGH, Desk Officer

नई दिल्ली, 4 जून, 1987

कां.आ. 1581.—लौह अयस्क खान, मैगनीज अयस्क खान, और क्रोम खान श्रमिक कल्याण निधि नियम, 1978 के नियम 3 के उप नियम (2) के साथ पठित लौह अयस्क खान, मैगनीज अयस्क खान और क्रोम अयस्क खान श्रमिक कल्याण निधि अधिनियम, 1976 (1976 का 61) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निम्नलिखित व्यक्तियों को बिहार राज्य के लिए लौह अयस्क खान, मैगनीज अयस्क खान और क्रोम अयस्क खान श्रमिक कल्याण निधि की सलाहकार समिति के सदस्यों के रूप में नियुक्त करती है, अर्थात्:—

1. श्री खानतन सरदार,
विधान सभा सदस्य,
पटना, बिहार।

2. श्री सी. प्रार. शिवास्वामी, सहायक प्रबंधक,
बोकारो इस्पात संयंत्र,
लोह और मैंगनीज,
जिला-सिंहभूम, (बिहार)
3. श्री डी. बेहरा,
मुख्य कार्मिक प्रबंधक,
टिस्को खान, नवामुन्डी,
जिला-सिंहभूम (बिहार)
4. श्री डी. सी. वर्मा,
डिप्टी प्रेजीडेंट,
गुआ माइंस वर्कर्स यूनियन,
गुआ, सिंहभूम ।
5. श्रीमती ए. रावा,
कार्मिक प्रबंधक, बोकारो स्टील संयंत्र,
बोकारो स्टील सिटी

और भारत के राजपत्र भाग II, खंड 3, उपखंड (ii) में दिनांक 19 दिसम्बर, 1981 को प्रकाशित भारत सरकार के श्रम मंत्रालय की दिनांक 2 दिसम्बर, 1981 की अधिसूचना संख्या का.प्र. 3418 में संशोधन करती है ।

उक्त अधिसूचना में, क्रमांक 4 से 7 और 9 तथा उनसे संबंधित प्रविष्टियों के लिए क्रमशः निम्नलिखित प्रतिस्थापित की जाएगी, अर्थात्—

- | | |
|---|-----------------------------|
| 4. श्री खानतान सरदार,
विधान सभा सदस्य,
बिहार । | सदस्य |
| 5. श्री सी. प्रार. शिवास्वामी,
सहायक प्रबंधक,
बोकारो स्टील संयंत्र,
लोह और मैंगनीज, किराबुरु,
जिला-सिंहभूम, बिहार । | नियोजकों के
प्रतिनिधि |
| 6. श्री डी. बेहरा,
मुख्य कार्मिक प्रबंधक,
टिस्को खान,
नवामुन्डी, सिंहभूम | —वही— |
| 7. श्री डी. सी. वर्मा,
डिप्टी प्रेजीडेंट,
गुआ माइंस वर्कर्स यूनियन,
गुआ, सिंहभूम (सदस्य-इंटक) | कर्मचारियों के
प्रतिनिधि |
| 8. श्रीमती ए. रावा,
कार्मिक प्रबंधक,
बोकारो स्टील लिमिटेड,
बोकारो स्टील सिटी, बिहार | महिला प्रतिनिधि |

[यू.-19012/16/84-इ.स.सू.-2(सी)]
एस. एस. भल्ला, प्रवर सचिव

New Delhi, the 4th June, 1987

S.O. 1581.—In exercise of the powers conferred by Section 5 of the Iron Ore Mines Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976 (61 of 1976) read with sub-rule (2) of rule 3 of the Iron Ore Mines Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Rules, 1978, the Central Government hereby appoints the following persons as members of the Advisory Committee of the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund for the State of Bihar namely :—

1. Shri Khanatan Sardar,
Member, Legislative Assembly, Patna,
Bihar
2. Shri C. R. Sivaswami,
Assistant Manager,
Bokaro Steel Ltd.,
Iron and Manganese,
Singhbhum Distt. (Bihar)
3. Shri D. Behara,
Chief Personnel Manager,
TISCO Mines, Navamundi,
Singhbhum Distt. (Bihar)
4. Shri D. C. Verma,
Deputy President,
Gua Mines Workers Union,
Gua, Singhbhum
5. Smt. A. Rava,
Personnel Manager,
Bokaro Steel Ltd.
Bokaro Steel City

and hereby amends the notification of the Government of India in the Ministry of Labour No. S.O. 3418, dated the 2nd December, 1981, published in the Gazette of India, Part II, Section 3, sub-section (ii) dated the 19th December, 1981;

In the said notification, for Serial No. 4 to 7 and 9 and entries relating thereto, the following shall respectively be substituted, namely :—

- | | |
|---|---|
| 4. Shri Khantatan Sardar,
Member of Legislative Assembly,
Bihar | Member |
| 5. Shri C. R. Sivaswami,
Asstt. Manager,
Bokaro Steel Ltd.,
Iron and Manganese,
Kiraburu, Singhbhum Distt.
Bihar | Employers' representatives |
| 6. Shri D. Behara,
Chief Personnel Manager,
TISCO Mines, Navamundi
Singhbhum. | |
| 7. Shri D. C. Verma,
Dy. President,
Gua Mines Workers Union,
Gua, Singhbhum (Member
INTUC) | Employees representative. |
| 8. Smt. A. Rava,
Personnel Manager,
Bokaro Steel Ltd.
Bokaro Steel City, Bihar. | Woman representative
(No. U-19012/16/84-W.II(C)
S. S. BHALLA, Under Secy. |

नई दिल्ली, 5 जून, 1987

का.प्र. 1582.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक बिज्ञाप अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (द) के उपखंड (vi) के उप-बंधों के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या संख्या का.प्र. 4217 दिनांक 5 दिसम्बर, 1986 द्वारा लोह अयस्क खनन उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 8 दिसम्बर, 1986 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था ;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14 की धारा 2 के खंड (ह) के उपखंड vi के परन्तुक द्वारा प्रवर्तन शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 8 जून, 1987 से छह मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फाइल संख्या 11017/12/85-डी-1(ए)]

नन्द लाल, भवर सचिव

New Delhi, the 5th June 1987

S.O. 1582.—Whereas the Central Government having been satisfied that the public interest so required had in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 4217 dated the 5th December, 1986 the iron ore mining industry to be a public utility service for the purposes of the said Act, for period of six months from the 8th December, 1986 ;

And, whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 8th June, 1987.

[F. No. 11017/12/85-D.I (A)]

NAND LAL, Under Secy.

नई दिल्ली, 5 जून, 1987

क्र.सं. 1583.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, स्टेट बैंक ऑफ बिकानेर एंड जयपुर के प्रबन्धकाल से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पचाह को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-5-87 को प्राप्त हुआ था।

New Delhi, the 5th June, 1987

S.O. 1583.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the State Bank of Bikaner & Jaipur and their workmen, which was received by the Central Government on the 25th May, 1987.

BEFORE SHRI R. B. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CTM-LABOUR COURT, KANPUR

In the matter of dispute between :

Workmen of State Bank of Bikaner and Jaipur C/o Shri G. D. Sharma and others C/o U.P. Bank Employees Federation 26/104, Birhana Road, Kanpur.

AND

The Branch Manager, State Bank of Bikaner and Jaipur Birhana Road, Kanpur.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12/12/97/85-D.II (A) dated 11-2-86, has referred the following dispute for adjudication :

In I. D. No. 41/86

Whether the action of the State Bank of Bikaner and Jaipur in termination the services of S/Shri M. K.

Nigam and G. D. Sharma temporary clerks and S/ Shri Umashanker, Peon, Puran Shankar, Ramji Prasad Ex-Peon and Rajesh Tewari, Peon w.e.f. 3-7-83, 20-11-82, 1-7-83, 30-9-82, 17-7-83 and 23-9-84 is justified and fair ? If not, to what relief the workman concerned is entitled to and from what date ?

In I. D. No. 108/86 (No. L12011/64/85-D.II (A) dated 28-7-86)

Whether the action of the management of State Bank of Bikaner and Jaipur, Berhana Road, Kanpur in relation to their Kaushalpuri Branch and Transport Nagar Branch, Kanpur in terminating the services of workmen mentioned in the annexure and not considering them for further employment while recruiting fresh hands is justified ? If not, to what relief the concerned workmen are entitled to ?

In I. D. No. 54/86 (No. L-12012/100/85-D.II (A) dated 10-3-86)

Whether the action of the management of State Bank of Bikaner and Jaipur in terminating the services of Shri Ganga Singh Rajput, Temporary Clerk with effect from 19-6-80 is fair and justified ? If not, to what relief, the workman is entitled and from what date ?

Whether the action of the management of State Bank of Bikaner and Jaipur in terminating the services of Shri Rajjan Lal, Ex-temporary Peon with effect from 3-3-1984 is fair and justified ? If not, to what relief the workman is entitled and from what date ?

In I. D. No. 8286 (No. L-12012/153/85-D.II dated 26-3-1986)

Whether the action of the management of State Bank of Bikaner and Jaipur in terminating the services of Shri. Shiv Narain Dixit, Priparna and Ashok Kumar Chaudhary Ex-temporary Clerks Birhana Road Branch w.e.f. 14-8-81, 27-3-82 and 1-8-84 respectively is justified in view of provisions of section 25-G and 25-H of the I. D. Act ? If not, what reliefs the workmen are entitled ?

In I. D. No. 107/86 (L-12011/73/85-D. (A) dated 28-7-1986)

Whether the action of the management of State Bank of Bikaner and Jaipur in relation to their Rattan Lal Nagar Branch and Sahganj Agra Branch in terminating the services of S/Shri Sushik Kumar, Satyawar Singh and Avdesh Kumar is justified ? If not, to what relief are the workmen concerned entitled ?

In I. D. No. 88/86 (L-12012/159/85-II (A) dated 20-5-86)

Whether the action of the management of State Bank of Bikaner and Jaipur in terminating the services of Shri Santosh Kumar Misra Ex-Temporary Watchman at Transport Nagar Branch Kanpur w.e.f. 8-12-82 is justified and legal in view of the provisions of section 25-G and 25-H of the I. D. Act ? If not, to what relief the workman is entitled to ?

In I. D. No. 278/85 (No. L-12012/26/85-D.II (A) dated 17-12-1985)

Whether the action of the management of State Bank of Bikaner and Jaipur in relation to their Birhana Road Branch, Kanpur in terminating the services of Shri Sanjiv Kumar Bajpai, Temporary Clerk who worked for 80 days from 18-1-83 to 7-4-83 was justified ? If not, to what relief is the workman concerned entitled ?

In I. D. No. 279/85 (L-12012/27/85-D. II (A) dated 17-12-85)

Whether the action of the management of State Bank of Bikaner and Jaipur in relation to their Birhana Road Branch, Kanpur in terminating the services of Shri Rajesh Kumar Mishra, Temporary Clerk after 6-8-84 and not considering him for further employment as provided under section 25-H of the Indust-

rial Act, is justified? If not, to what relief the concerned workman is entitled?

2. All the cases were consolidated and Industrial Dispute No. 41 of 1986 Shri M. K. Nigam and State Bank of Bikaner and Jaipur was made the leading case as in all of them common question of facts and law arose.

3. It is common ground that the workmen involved in all the consolidated cases have worked in the management bank either in the capacity of a clerk or peons i.e. class IV staff. It is further not disputed that all of these workmen were given fixed term appointment which was extended from time to time so as to take their total working to 80 days and not more. They were all given initial appointment for 30 days which was extended from time to time so as not to exceed total employment period beyond 80 days. Regarding the case of workman Shri Shiv Narain Dixit registered as Industrial Dispute Case No. 82/1986, it has been pointed out by the management that the workman has been ordered to be reinstated by this Tribunal in another reference between Shiv Narain Dixit Versus State Bank of Indore. This has been brought to my notice with the specific parties that in case workman succeeds he may not seek reinstatement and back wages at both the places for the same period.

4. Briefly stated case of the workmen of the reference consolidated with leading case is that the petitioner were appointed on regular seats of the bank for doing the work of permanent nature and their services were terminated in order to deprive them from the benefits of probation, regularisation and continuous employment in violation of the provision of sections 25-H and G of the I. D. Act.

5. The management has contested the cases filing reply separately in each of them and their main ground of contest are that reference is not maintainable in law; that according to section 2(oo) a person appointed for specific period mentioned in the appointment cum termination letter can not raise any industrial dispute to that effect having worked for the said period. It is further averred that the provision of para 20.8 of the bipartite settlement has been wrongly interpreted by workmen; that the period of temporary employment of the workmen will be taken into account as part of probationary period of the temporary workman is appointed against a permanent vacancy beyond 3 months. Thus a person appointed for period of 80 days temporarily will not automatically become a permanent employee. That as a matter of fact a plain reading of para 20.8 of the bipartite settlement indicates that a temporary employee will continue to be in the post even after expiry of three months so long, the employer does not choose to relieve him from service or he is eventually given a permanent appointment on the post. In length of working by a temporary workman on a permanent vacancy will not convert his temporary appointment into a permanent appointment. The management has further contended that the appointment of the workman were purely temporary on ad hoc basis to meet the immediate need of the branches pending regular recruitment of the staff. The appointments of all the workmen appointed for a fixed period automatically stood terminated on the date of expiry mentioned in the appointment letter.

6. The management has also raised the plea of estoppel. It is contended as petitioner were appointed purely on temporary basis and their appointment in each case automatically came an end on the expiry of period mentioned therein without need for further notice and that they have no legal rights to the post and can not be claims to be continued in the post. Management have also agreed that sections 25-G and H form part of Chapter 25-A of the Industrial Dispute Act and consequently the benefit thereof would be available to person who became eligible under section 25-F and the provision of Chapter 45-A of the 5-A of the act does not apply to the facts of the present case.

7. Workman has filed photo copy of the appointment letters Ext. W-1 to Ext. W-9, which shows that they were appointed as temporary clerk for a fixed period and their termination was to be brought about a particular day without any notice.

8. On behalf of the management Shri R. K. Talwar appeared in the witness box and has deposed that the manage-

ment does not maintain service book or register of temporary employees or seniority list of said temporary employees. Further no termination letter, no notice for termination and no notice pay or retrenchment compensation was paid to any of the workmen. He has admitted that the instruction of the Head Office were that temporary appointment should be made for 60 days only and those terminated should not be reemployed. Thus those employees who were engaged for 80 days were not reemployed. He has further stated that after completion of 80 days of work they are not retained in service irrespective whether juniors are still working on that date. In the end he has stated that the work of temporary sub staff and clerks is same as the work of permanent sub staff and clerical staff.

9. Besides Shri R. K. Talwar, management has examined 4 witnesses more namely Shri D. S. Shukla MW-2, Shri N. K. Asahri MW-3 Shri R. K. Jhingan, MW-4 and lastly Shri H. C. Chabra MW-5. They have deposed about the respective period of working in the concerned branches. Shri Shukla has testified that the statement regarding period of working it is given in the claim statement of I. D. No. 107/86 in para 7 is correct. He has further stated that management maintains a list of casual workers and it is from that list that they do not appoint persons as casual for the second time if need is there, rather register is a Kachana register in the form of list containing name parentage and number of working days.

10. Shri N. K. Askari has proved Ext. W-1 and W-2 and he too deposes that a list of temporary employees is maintained at the branch. It is further admitted by him that after termination of the workmen other temporary workmen have been employed, in the management and some of them are still working.

11. Shri R. K. Jhingan MW-4 besides proving Ext. MW-2 has deposed that during his stay no test for clerical staff or class IV was taken or held and lastly Shri H. C. Chabra too deposes that after termination of the workmen fresh hands were appointed.

12. On behalf of the workmen their representative Shri V. N. Sekhari has filed his affidavit evidence and appeared in the witness box. He has deposed that all those workmen were not gainfully employed anywhere and this deposition he was making after making enquiry from the workmen. He further stated that at the time of filing claim statement of one Shri Ashok Kumar Prajapati he did not know that he was employed gainfully else were during the period of claim. On enquiry he told him that he was not gainfully employed. Regarding workman Shiv Narain Dixit, he is also not gainfully employed and in other case he was reinstated by this Tribunal. He has no knowledge if said Shiv Narain Dixit was employed in State Bank of Indore prior to the appointment in this bank but he admits the facts that he was employed there in State Bank of Indore for 75 days. He was not sure whether he obtained his appointment after award in the management bank. He still says on the basis of information from the workman that they all are still employed. He states that there had been no recruitment in the management bank for the last several years. He further states that the workmen were appointed as temporary employees on permanent seats. He has also stated that it is not necessary that the names of class 4 sub staff employees should have been sponsored through the employment exchange and for the clerical staff also it is not necessary that in all cases they should come through the recruitment Board.

13. It is argued on behalf of the workman that in view of provisions of para 20.7 of the bipartite settlement, the workmen were admittedly appointed as temporary though the workman the work they were required to do was work of permanent nature and required permanent hands to deal with them. It is further argued that the management was indulging of unfair labour practice of employing temporary hands for of permanent nature for specified periods of 75 or 80 days and in such cases if temporary hands are allowed to continue on permanent post then after expiry of 3 months the bank has to make an arrangement for filling up the vacancy permanently. Though it is laid down in para 20.8 of the bipartite settlement that if such temporary workman is eventually selected for filling the post his temporary employment

will be taken as part of his probation period, but it is argued by counsel for the workman that if the management does not make permanent arrangement and takes work from temporary hands such temporary hands will be deemed to be permanent. He has relied on the ruling of Shri Suresh Narakar, Jaswant Sugar Mills. Swadesh Mitra etc. but none of those cases are applicable here as temporary appointment of all the workmen never meant beyond 80 days of employment to be substituted by another temporary hand.

14. It is argued that the management had carbed out this device of employing temporary hands of 80 days for getting work of permanent nature done which was an unfair labour practice. It is argued that considering the inequality in the bargaining power of the parties the clause in the contract of employment (for a fixed period) was void under section 26 of the Contract Act. In support of its contention the workman representative has referred me a ruling Central Inland Water Transport Corporation Versus Brij Nath Gangoli 1986 Lab. IC 1312 Supreme Court. In paragraph 95 of the said ruling it is mentioned as follows :

Undoubtedly the contesting respondent accepted appointment with the corporation upon these terms, they had however no real choice before them, had they not accepted the appointment they would have at the highest.....

15. Chapter 5-A of the I. D. Act deals with lay off and retrenchment. Retrenchment have been defined under section 2(oo) of the act as termination by employer of the workman for any reason what so ever otherwise than punishment. Lately by act 49/86 a sub para (bb) have been added with the test of exclusion from the definition of retrenchment that the termination of service of workman as result of non-renewal of contract of employment between the employer and employee concerned on its expiry or which such contract being terminated under a stipulation in that beyond contained therein.

16. The dispute related to enforcement of Act 49/86 which came into effect on 18-8-84, hence it is argued on behalf of the workmen that the same does not apply to the facts of the present case.

17. Section 25-G and 25-H speak of retrenchment only and not retrenchment of such employees who have completed 240 days, thus 25-H and G will apply to persons who have worked for even 80 days or less. In support of his contention he has referred me a ruling of the Bombay High Court reported in 1984 Lab. IC 445 Bombay wherein it is specifically held that 25-G and 25-H are not dependent on 25-F and are quite independent. I agree with the argument and reasoning of the workman's representative.

18. On the other hand management has argued that scope of section 2(oo) (bb) has been considered in a ruling of Kerala High Court 1986 LIC page 1869. I fail to understand how a substantive right vested in the workman can be taken away by amendment of section 2(oo) by adding (bb) at a subsequent stage. The effect of the present employment is that it will apply to employment of fixed terms after 18-8-84 and not earlier.

19. The definition of retrenchment for any reason what so ever will not be abrogated in the employer incorporates the disabling clause of termination in the appointment letter itself. The effect of termination though arrived at on the basis of date of termination mentioned in the appointment letter will be nothing but termination for any reason what so ever and will be for all intent and purposes is retrenchment in which the rigor of the law as laid down in chapter 5A of the Act will have to be complied with. Retrenchment would be illegal if made without retrenchment compensation in cases beyond 240 days of work. Further same would be illegal if retrenchment was not of the junior most employee in that category or in case there is need for reemployment the same person is offered opportunity again in view of the provisions of 25-G and H. Admittedly neither the termination have been effected according to the gradation of temporary employees considering the principle last come first go nor they were given employment when fresh hands were appointed. I am not inclined to agree to the definition of retrench-

ment that it means cutting down the surplus staff and reducing labour force at will. Surplus staff has to be discharged in view of the provisions of section 25G and when ever necessity the employment is to made in view of the provisions of section 25H of the act.

20. In these circumstances and for the reasons discussed above I hold that the management has contravened the provision of Sec. 25-G and H which are mandatory, the only effect of such illegality would be to reinstate the workmen.

21. It has been argued by the Counsel for the management that in case reinstatement is ordered what will happen when the number of workmen forced on the head of the management when in all a limited number of post exists. It is the look out of the management to run the banking industry in a proper way having regards to the provisions of their bipartite settlement and the I.D. Act. As observed earlier the surplus can always be retrenched but according to law.

22. I consequently given my award in favour of the workmen against the management in all the consolidated cases holding that their termination is not fair and justified and they are entitled to be reinstated with full back wages.

23. Before parting with the case it may be mentioned that workman Shri S. N. Dixit will not seek reinstatement or back wages from two different places i.e. State Bank of India and State Bank of Bikaner and Jaipur for the same period.

24. I repel the argument of the management that they were prejudiced, that the workmen were not individually examined to facilitate elucidation that they were gainfully employed and their duly authorised agent stated that they were not so gainfully employed, however it was for the management to have led cogent proof from documents etc. that any of them were gainfully employed during this period.

25. I, therefore, give my award accordingly.
Dt. 14-5-87

R. B. SRIVASTAVA, Presiding Officer
[No. L-12012/97/85-D-II (A)]
N. K. VERMA, Desk Officer

ANNEXURE

Sl.	Name
1.	Shri Girish Chander Bajpayee
2.	Shri Krishna Kumar
3.	Shri Sunil Kumar
4.	Shri Vishnu Prasad
5.	Shri Vishwa Karma Prasad
6.	Shri Suresh Singh
7.	Shri Ram Kumar
8.	Amar Bahadur Singh
9.	Shri Ajay Kumar Prajapati
10.	Kumari Rani Dwivedi
11.	Shri Vinay Kumar Dubey
12.	Shri Divakar Krishna Malhotra
13.	Shri Chanler Prakash Lamba
14.	Shri Daya Shankar
15.	Shri Krishna Verma
16.	Shri Mahesh Kumar Pal
17.	Shri Guman Singh
18.	Shri Pankaj Nigam
19.	Shri Santosh Kumar Pal.

नई दिल्ली, 10 जून, 1987

का प्र. 1584—प्रौद्योगिक विवाद प्रविधिक, 1947 (1947 का 14) को धारा 17 के अन्वये में, केन्द्रीय सरकार, भारतीय स्टेट बैंक के प्रबंधन से सम्बन्ध विवादों और उनके कर्मचारियों के बीच, यात्रा में निर्दिष्ट प्रौद्योगिक विवाद में केन्द्रीय सरकार प्रौद्योगिक प्रविधिक के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-8-87 को प्राप्त हुआ था।

New Delhi, the 10th June, 1987

S.O. 1584.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the State Bank of India and their workmen, which was received by the Central Government on the 26th May, 1987.

BEFORE SHRI M. K. BANSAI, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

I.D. 50/86

PARTIES :

Employers in relation to the management of State Bank of India.

AND

Their workman V. K. Arora.

APPEARANCES :

For the Employers Shri T. S. Doabia.

For the workman Shri Ashok Aggarwal.

INDUSTRY : Banking

STATE : Haryana

AWARD

Chandigarh, the 21st May, 1987

Vide notification No. L-12012/172/85-D.II (A), dated 24th July, 1986 issued under section 10(1)(d) of the Industrial Disputes Act, the following reference was received for decision :

"Whether the action of the management of State Bank of India, Region II, Chandigarh in dismissing from service Shri V. K. Arora, Clerk-cum-Cashier at their Mandi Dabwali Branch with effect from 9-10-1982 is justified ? If not, to what relief is the workman concerned entitled ?"

1. The facts relevant are that V. K. Arora workman was appointed on 12-7-1975 at Rewari Branch of the Bank and was working at Mandi Dabwali Branch in the year 1980. A charge sheet was served on the workman on the ground that on 20-2-1980 a sum of Rs. 3000/- was deposited by Balwant Singh and Company for crediting to the Government Account that the above amount was received by the workman from the party but was not credited to the Government account. That on 26-2-1980 a sum of Rs. 6000/- was deposited by Ajit Krishan & Company for credit to the Government account with the workman but it was not credited to the Government account. Both the parties on coming to know of the fraud approached the Bank near about 3-3-1980 or 4-3-80. The amount was deposited again 5-3-80, 8-3-80 and 14-3-80. After making preliminary inquiry it was found that it is workman who did all the above mischief. So charge sheet was served on the workman. After detailed inquiry which was done by Shri S. P. Jain the workman was exonerated. Punishing Authority after perusing the record and the evidence came to different conclusion and was of the view that both the charges are proved. Show cause notice for imposing major penalty was issued to the workman. After hearing the workman the Punishing Authority passed the dismissal order. The said order was challenged by the workman on the ground that Punishing Authority held the workman guilty without any evidence. That the punishing authority could not take a contrary view to the one taken by the inquiry officer Mr. S. P. Jain.

2. The bank in their reply admitted the factual position and alleged that it was proved during inquiry that amount was received by the workman. That he was rightly held guilty by the punishing authority. That action of Punishing Authority is not proved to be malafide in any manner. That it should not be interfered with. That Bank has lost

confidence in the workman and as such no reinstatement be ordered.

3. In support of their respective allegation workmen himself appeared as W1 and also produce some documents. The management tender whole of the inquiry proceedings and also examined MW-1 P. C. Singal.

4. In the present case validity of the inquiry has not been challenged before me. Even otherwise workman admitted that Shri S. P. Jain conducted the inquiry. He is satisfied with the inquiry report and has no complaint about the procedure and the inquiry proceedings. So it will be held that inquiry was properly conducted.

5. The only argument raised on behalf of the workman is that punishing authority came to the conclusion that it is the workman who embazzelled the amount without any evidence. That it is the case where there was no evidence. It was contended on behalf of workman that this Tribunal can reappraised the evidence which powers were not disputed.

6. After going through the file and the evidence recorded during inquiry I am of the view that disciplinary authority erred in coming to the conclusion that charges are proved. In the inquiry statement of as many as nine witnesses were recorded. Document were also placed on the file. The most important document to prove that the amount was received by the workman while sitting on the receipt counter could be the challan which are alleged to be returned to the parties duly receipted. It is unfortunate that the parties did not like to joint the inquiry and did not produce the said challan. Only photostat copies are there which also remains unproved. Normally photostat could be relied upon but during the course of inquiry the letter purported to be regular of the inquiry office, necessary was prepared by photographic trick and placed on the file which is R1. But to the said fact photo copy which also remains unproved cannot be considered.

7. The next evidence could be of any body who might have seen the original challan of deposit with the parties and who can depose that it bears the initials of the workman as the person who received the amount. There is no such evidence on the file. No witness examined from the Bank stated to have seen the challan. No witness have stated that the challan so showed had the signatures of the workman as the person who received the amount. One Mr. D. K. Sharma witness No. 9 stated to have seen the challan but he stands belied on this fact by the statement of Prithvi Raj witness No. 2. According to Prithvi Raj challan were never shown by the parties to the department, so question of this witness Prithvi Raj showing the challan to D. K. Sharma does not arise. D. K. Sharma stated that challans were shown to him by Prithvi Raj. So it also cannot be relied upon. The other evidence against the workman is in the statement of R. D. Katial witness No. 3 who make preliminary inquiry. He stated that the workman admitted his guilt in the preliminary inquiry but there is no writing obtained by him. The evidence or oral confession cannot be relied upon.

8. In the present case it is proved that parties informed the Excise Department that they have deposited Rs. 3000/- and Rs. 6000/- on account of licence fee on 20-2-1980 and 26-2-1980. The said amount on checking was found to be not there in the Bank scroll sent by the Bank to the Excise Department. It is also proved that parties approached the Bank to know as to where money have gone. It also proved on the file that on 20-2-1980, and 26-2-1980 workman was there on the receipt counter but there is no evidence on the file that money was handed over by the parties at the receipt counter to the clerk present or to the workman. There is no evidence on the file that it is the workman who issued the receipt in token of having received the amount from the parties. Even otherwise there is no evidence that amount were subsequently deposited by the workman. Under the above I am of the view that findings of the inquiry officer that charges against the workman are not proved was correct and based on correct appreciation of the evidence and findings of the punishing authority to the contrary is based on surmises and conjecture and cannot be accepted.

9. The case of the Bank that they have lost faith in the workman is also not proved no other lapse on the part of the workman in discharging of duties have been detailed in the reply or brought out in the evidence recorded by me.

10. For the reasons detailed above I am of the view that order of dismissal passed by the punishing authority is bad and cannot be sustained. The workman is entitled to reinstatement on his original post from the date of his dismissal i.e. 9-12-1982 and will be entitled to back wages from the said date with continuity of service. As the such above reference is answered in favour of the workman and against the Bank management.

Chandigarh.

M. K. BANSAL, Presiding Officer
[No. L-12012/172/85-D.II (A)]

नई दिल्ली, 11 जून, 1987

का. आ. 1585.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार श्री स्वयंबर प्रसाद द्वारा मीसर्स गोरखपुर क्षेत्रीय ग्रामीण बैंक, गोरखपुर के प्रबंधक के खिलाफ उक्त अधिनियम की धारा 33क के अधीन दायर की गई शिकायत के सम्बन्ध में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर का पंचाट, जैसे कि अनुबंध में है, प्रकाशित करती है। यह पंचाट केन्द्रीय सरकार को 26-5-87 को प्राप्त हुआ।

New Delhi, the 11th June, 1987.

S.O. 1585.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in respect of complaint under section 33A of the Act filed by Shri Swayamber Prasad against the management of M/s. Gorakhpur Kshetriya Gramin Bank, Gorakhpur, which was received by the Central Government on 26-5-1987.

BEFORE SHRI R. B. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, KANPUR

Industrial Dispute between

Shri Swayamber Prasad and one other.

C/o Donhai Prasad, UTVC(UP)

119/75 Darshan Puram, Kanpur.

AND

M/s. Gorakhpur Kshetriya Gramin Bank,
Gorakhpur.

Adjudication Case No. 127 of 1986

(Under section 33-A of the I. D. Act)

APPEARANCE :

For the workmen—Shri R. P. N. Singh.

For the Management.

AWARD

1. This industrial dispute act is registered under Section 33-A of the I.D. Act on the ground that the services of the workmen were terminated during the pendency of LCA No. 70 of 86.

2. The case of the applicant is that he moved an application before this court against the discriminatory attitude and unfair labour practise of the management which was registered as LCA No. 76/86 and claimed difference of wages.

3. The management pressurised the applicant to withdraw the LCA case and threatening to terminate their services. As the workman did not withdraw the said application his services were terminated on 2-7-86, it is therefore, prayed that the termination be adjudged illegal and he be reinstated with full back wages.

4. The management despite the fact that pendency of proceeding of a case under section 33-C-2 of the act which was registered as LCA 70/86 but asserted that the applicant has never been engaged as full time worker hence there was no question treating him at par with the wages of full time workers. The application is misconceived as proceedings under section 33-C.2 is not an industrial dispute hence the application is not maintainable. In the rejoinder the workman averred that in view of the definition of industrial dispute given in section 2 of the I. D. Act an application under section 33-C.2 of the act is also a industrial dispute.

5. Workman has filed affidavit alongwith 5 annexures. The document filed by them show that he was working as a part-time zamadar and was ceased to work without any reason.

6. On the other hand the branch manager had filed his affidavit evidence. He has testified that workman was part time zamadar and he was required to for 4-1/2 hours. He has however, admitted that workman was a applicant in LCA 70/86 but he never examined in this case. Management had filed further two documents one of it is from Under Secretary Ministry of Finance dated 28th May, 1981 intimating RRB may appoint messengers purely on part time basis. Management has further filed application of workman dt. 1-2-86 whereby he had requested the management to appoint him as part time zamadar.

7. As facts were also admitted the parties that they had not to cross examine the respective witnesses on the affidavits.

8. The workman representative has not shown any case that proceedings under section 3-C-2 is a industrial dispute. Under section 2(k) of the act industrial dispute means any dispute or difference between employer and employee or between employers and workman or between workman and workman which is connected with the employment non-employment or terms of the employment or that the condition of labours of any person.

9. An application under section 33-C-2 is a common claim on the basis of any existing right on account of any award settlement or provided for and does not come under terms of employment or condition of labour. It is on the basis of some thing predetermined under award settlement or provided for in any provision then application for money due is made. Thus application under section 33-C-2 would not be an industrial dispute and the application under section 33-A would be misconceived as such an application under this section could be filed only if some industrial dispute was pending before any labour court or tribunal and the condition of service have been changed i.e. terminated etc.

10. In these circumstances, the application is not maintainable and award is given against the workman.

11. I, therefore, give my award accordingly.

Let 6 copies of this award be sent to the government for its publication.

Dt. 15-5-87.

R. B. SRIVASTAVA, Presiding Officer
No. L-12025/10/83-D.II (A)]
N. K. VERMA, Desk Officer

